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Press Release

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COMMISSION EXAMINES GLOBAL HUMAN RIGHTS SITUATIONS

GENEVA, 7 March (UN Information Service) -- As the fiftieth session of the Commission on Human Rights entered its final week this morning, it continued to examine the global human rights situation. The debate involved countries and non-governmental organizations from all parts of the world.

The observer of Albania drew the Commission's attention to the day-to-day deterioration of the human rights situation of the Albanian minority in Kosova. There were daily reports of Albanians being killed by the Serb police and army, and he called on the Security Council to consider that situation as a threat to peace and security and to toughen sanctions on the Belgrade regime.

The representative of Iran, commenting on the Commission's report on his country, said Iran was the victim of an all-out propaganda campaign to defame Islam. That fact, coupled with the Special Rapporteur's lack of familiarity with Islam, had led to simple misunderstandings of its religious law and assertions injurious to Islam. He called for an honest, objective and genuine consideration of the situation.

The representative of the United States noted that on her list of major human rights offenders -- the Bosnian Serbs, Sudan, Haiti, Zaire, Cuba, Myanmar, China, Iran and Iraq -- none was a democracy. Was this a coincidence, she asked.

The observer for Kuwait called on the Commission to spare no effort in requesting Iraq to cease indifference to its international obligations and to release immediately all Kuwaiti prisoners of war and third-country nationals.

A representative of the International League for Human Rights said that the international community bore some responsibility for the new phase of the Afghan conflict now under way. If steps were not taken, the situation could degenerate to become a more dangerous version of the gang warfare seen in Somalia. Afghanistan, he said, would become yet another open wound of the post-cold war international system.

The representatives of Mauritania, Hungary and Togo also spoke this morning, as did the observers for Senegal, Czech Republic, and the Philippines.

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Apart from the International League for Human Rights, the following non-governmental organizations also made statements: International Falcon Movement; International Association of Democratic Lawyers; International Islamic Federation of Student Organizations; Third World Movement against the Exploitation of Women; and Pax Romana.

Statements in Debate

IBRA DEGUENE KA (Senegal) said that sadly, the sombre picture in Yugoslavia had not changed. The Special Rapporteur's presentation indicated that there had been no really positive developments over the past year; he had to make the same recommendations all over again. There had been an absence of firm pressure from the international community, and that had contributed to an atmosphere of impunity for violators of human rights. The only effective measure apparently had been the embargo on arms to Bosnia and Herzegovina, and that simply had made it easier for the aggressors to commit their atrocities. A vigorous initiative must be taken. The Serbs must conform with the relevant United Nation resolutions. The warring factions must be made to understand that the only battle worth fighting was the battle against underdevelopment. No peace treaty could be based on injustice or partiality.

ZEF SIMONI (Albania) said that for more than a decade no day went by in Kosova without the local Serb administration and police killing and torturing innocent people for the only reason that they happened to be Albanians; putting entire villages and towns under a state of siege and threatening their unfortunate inhabitants with destruction and death; carrying out mass arrests and ill-treatment; robbing people of their legitimate property; or denying an entire nation the possibility of work and thereby threatening whole families with starvation. Albanian youths were deprived of all possibilities of education, no health service existed for the Albanian population, and all Albanian newspapers and journals or other mass media had been closed. Huge waves of Albanians were seeking refuge in many countries of western Europe.

Since the resolution adopted by the Commission on Human Rights in February 1993, the situation of human rights in the province had drastically deteriorated. Whereas that resolution dealt mainly with police brutality, torture and mistreatment, there was now an ever-increasing number of reports about Albanians being maimed or killed at the hands of the Serb police and army in Kosova. Albania called on the international community to find and adopt more effective measures to obviate the situation of violence and terror. He requested that the situation be considered by the Security Council as a threat to peace and international security, and that all the necessary steps, including the re-establishment of an international presence and the further intensification of the sanctions on the Belgrade regime, be taken without delay.

CHARLES NORCHI, of the International League for Human Rights, voiced concern over the human rights situation in Afghanistan. Since January, it had become clear that there was a new war in Afghanistan. There were extreme restrictions on the freedom of association and expression and on women, as well as an increased environment of religious intolerence. The estimated

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10 million land mines continued to cause numerous and grave injuries to the civilian population. The Afghan people continued to suffer a near absolute denial of their right to self-determination. Little remained of civil society. The international community bore some responsibility for events unfolding in the new phase of the Afghan conflict. If steps were not taken, the situation could degenerate to unrestricted warfare among armed groups, a more dangerous version of the gang warfare of Somalia. Afghanistan would descend into irretrievable chaos, yet another open wound of the post-cold war international system.

GERALDINE FERRARO (United States) said that although all nationalities had been perpetrators and all had been victims, the most egregious human rights abuses in former Yugoslavia must be laid squarely at the doorstep of the Bosnian Serbs. The scourge of war had plagued the Sudan for many years, yet far from causing the Government to reconsider its efforts to destroy its rival, it seemed more eager than ever to reduce the country to a desolate patch of sand over which it would hold total, but empty, dominion. The United States condemned the threats the Sudanese Government had levelled at the Special Rapporteur. Looking through a list of human rights offenders -- the Bosnian Serbs, Sudan, Haiti, Zaire, Cuba, Myanmar, China, Iran and Iraq -- she said one thought kept coming to her, namely, that not one of those countries was a democracy. Was that a coincidence?

Democracy allowed people a chance to breathe; did not fear free and fair elections, or the rule of law, or freedom of expression; did not torture their own citizens, or dictate what religions they could or could not follow, she went on. She spoke on violence against women and declared that the mission of the Commission was, now and in the future, to serve as the conscience of all nations, the beacon that shone "even in the darkest corner of the darkest prison in the world".

MOHAMED SALECK OULD MOHAMED LEMINE (Mauritania) noted that civil and political rights were being more respected than economic, social and cultural rights in many parts of the world. However, in Mauritania, the Constitution protected all rights without exception and reflected that country's respect for pluralistic democracy and for human rights. He welcomed the appointment of the High Commissioner for Human Rights and the strengthening of the Centre for Human Rights.

Mauritania, in spite of hopes for peace, remained very concerned about the situation of human rights in certain areas of the world, particularly in Palestine and in Bosnia and Herzegovina, he continued. The massacre of innocent Palestinians at a mosque in Hebron presented the problem of the international protection of the Palestinian people while their own institutions were being established. The situation in the former Yugoslavia was also shocking. Serbian attempts at establishing hegemony over the entire area had made victims of Bosnia and Herzegovina and its Muslim population. The firmness shown by the international community should be extended to free other parts of Bosnia and Herzegovina, where Muslims lived under siege and bombardment. A solution which enshrined territorial gains won by force and which made no concessions to the victims was not only unjust; it would not last.

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KIA TABATABAEE (Iran) said that the final report on the situation of human rights in Iran reflected a general atmosphere shaped and sustained by an all-out propaganda campaign against it. Its sole objective was to defame the Islamic Republic, the Islamic revolution and, in the final analysis, Islam and its exalted teachings. Allegations regarding attacks against Iranian citizens abroad had always been categorically rejected and had never been substantiated, much less proven. In the past few years, Iran had been the subject of an intensive propaganda campaign of terrorism raised mainly by the United States and the terrorist organization stationed in Iraq. It was ironic but true that some of the countries most vocal on the human rights situation in Iran lavished support to a violent organization.

Continuing, he said the dilemma faced by Iran was how to reconcile the so-called excessive use of capital punishment with a deadly social menance which was threatening the very fabric of the society and taking the lives of many innocent people. When the Government took measures to stop drug trafficking by Iranian drug magnates, they became an oppressed minority whose "alleged rights" needed to be protected through vigorous international monitoring. The Special Rapporteur's lack of such familiarity with Islam, which he himself admitted, had inevitably led to simple misunderstandings of certain aspects of religious law and its application in Iran, which, in turn, had led to outright wrong conclusions and assertions deeply injurious to the world Muslim community. He called for objective, honest and genuine consideration of the situation under review.

GYULA K. SZELEI (Hungary) said that Hungary had called for an integrated, flexible yet proportionate response-capacity of the United Nations with regard to the renewing waves of human rights violations occurring worldwide. Both thematic and country rapporteurs, if enabled to do so, could make useful contributions to developing early-warning, conflict-prevention or crisis-management strategies on a country basis or in wider contexts. Hungary welcomed initiatives aimed at dispatching human rights monitors or establishing human rights field offices. Ever since the outbreak of the southern Slav crisis, Hungary had been consistently calling for effective international action to address the human rights dimension of the conflict. Hungary strongly condemned the flagrant and massive violations of human rights and fundamental freedoms in Iraq. It called upon the Cuban authorities to put an end to violations of human rights and fundamental freedoms and to enter into an open and direct dialogue with the Special Rapporteur. The situation of human rights in Myanmar remained a serious concern. Hungary continued to condemn the gross and flagrant violations of human rights in Haiti and the Sudan.

ROLAND Y. KPOTSRA (Togo) said that Togo had not been spared problems on the road to democracy. There had been turbulence, violence, displaced populations and widely diverging political views. Elections had been carried out, despite violence in five regions. The Supreme Court would soon determine the validity of the results there. International monitoring had helped the elections. The Special Rapporteur's report seemed to give too much precedence to information provided by non-governmental organizations whose reliability was questionable. The Commission was not properly informed of the realities of the violence; it should be somewhat more cautious in drawing conclusions,

more impartial and objective. In claiming that the Government had not responded sufficiently to requests for information and that human rights violators operated with impunity, the Special Rapporteur had not taken into account the context -- the Government was struggling even to function in the most basic ways. It truly was an extraordinary situation.

ZDENEK VENERA (Czech Republic) said that one of the principal tasks of the United Nations, in the sphere of international safeguarding of human rights, should be to improve the supervision over the implementation of the existing human rights instruments. The Czech Republic considered genuinely free general elections and fully guaranteed freedom of speech as fundamental guarantees of democracy and observance of human rights. The April elections in South Africa was an important step towards democracy and suppression of apartheid. The Czech Republic also was alarmed by human rights situation in Afghanistan, Sudan, Somalia, Haiti, Cuba, Myanmar and Iraq, as well as by the disturbing events in East Timor. It was alarming to see how many armed conflicts were under way in the world and how inefficient, although not helpless, the international community was when solving them. An especially cruel example was the armed conflict in Bosnia and Herzegovina.

MOHAMMAD S. AL-SALLAL (Kuwait) said that a few days ago, the Iraqi Foreign Minister had wailed in front of the Commission over the fate of Iraqi children and the elderly and had alleged that their sufferings were a result of the sanctions on Iraq since its invasion of Kuwait in August 1990. Yet, for three years, the Security Council had given Iraq an opportunity to export its oil to cover its humanitarian needs. The Iraqi régime refused and continued to ignore that possibility. The Iraqi régime which complained of those sanctions had likewise imposed on its people a cruel and complete blockade in the Kurdish area, and had declared war and an economic blockade on a large part of southern Iraq. The international community should continue exerting pressure on the Iraqi régime until it stopped the persecution to which its people were exposed and until it complied completely with Security Council resolution 688 pertaining to the protection of human rights in Iraq.

The primary concern of Kuwait was the plight of the Kuwaiti prisoners of war and third-country nationals who were still kept hostage by the Iraqi régime despite international and Arab efforts, he said. The Commission must spare no effort in raising its voice against the Iraqi régime's indifference to international treaties, and must firmly urge the unconditional and speedy release of all Kuwaiti prisoners of war, as well as third-country nationals.

JAIME YAMBAO (Philippines) said his Government was aware of the difficulties encountered by victims, their families and witnesses in pursuing their charges against human rights violators. Republic Act 6981 provided for witness protection, security and benefit programmes. The targets set for financial assistance to victims had been more than met for 1993. Difficulties arose when information was incomplete or contradictory, hampering the work of investigators; such cases were not dismissed on that basis alone.

As for the concern raised by the Special Rapporteur on the Citizens Armed Forces Geographical Units, the concern should not be on the existence of those

units. They were local civil defence units set up in areas without military presence, sometimes even at the request of the authorities of those areas. Instead, concern should be on human rights violations allegedly perpetrated by some members of the units. Those cases were investigated and brought to court to ensure that the victims' rights were protected. If the peace process initiated by the Government continued to move forward, the units would be totally disbanded within five years.

S. KEYHANI, of the International Falcon Movement, said that manipulating the words of "culture" and "Islam", that religion of peace, freedom and tolerance, Iran had made the most unprecedented aggression against the cultural and religious values of a nation. Execution, imprisonment, flogging, stoning and torture were common methods it practised for suppression at home. Meanwhile, it officially sponsored terrorism and assassinated political opponents, extending human rights violations beyond Iran's national borders. It was impossible for the ruling mullahs to continue their rule without systematic violations of human rights. Execution of opponents and the extensive use of death sentences continued. To contain public protest, in particular, the wrath of Iranian women, at the cruel violation of their rights, a new and unprecedented round of arrests and harassment of women had been launched to terrorize the public. Children were actually the innocent victims of the general suppression and oppression imposed on the people of Iran. It was time that the Security Council seriously scrutinize the conduct of Iran.

RENE BRIDEL, of the International Association of Democratic Lawyers, said that the situation of women under the current Iranian régime was particularly cruel. Violations included stoning and whipping after arrest under unfair pretexts, and following trials that were also unfair. Educational and occupational opportunities were strictly limited, and clothing requirements oppressive. The population had resisted a recent ruthless campaign against women. The situation had become disastrous. The fine for the murder of a woman amounted to $6.25. Public executions of women were frequent, and the rate of female suicide had increased. The international community must act to end that extraordinary mistreatment. The rights of women members of some minorities were still more substantially violated.

GHULAM NABI FAI, of the International Islamic Federation of Student Organizations, said that in Kashmir atrocities were being perpetrated by the Indian army and security forces with complete impunity and without any fear of international accountability. All available evidence of India's military activities in Kashmir indicated one thing: that the Indian Government was systematically targeting innocent people -- men, women and children -- for death. Their only imaginable purpose was to terrorize the people into submission. Last month's United States State Department's human rights report gave a vivid picture of continued deterioration of human rights in Kashmir. If those abuses were taking place in a western democracy, they would never be tolerated. The Commission had not yet spoken out against the atrocities committed by India and its occupation forces in Kashmir. The least the Commission could do to help those people and redress their grievances would be to dispatch a fact-finding mission to report first to the General Assembly and then to the Commission at its fifty-first session on the situation there.

GOPAL K. SIWAKOTI, of the Third World Movement against the Exploitation of Women, said that, as a result of the "ethnic cleansing" policies resorted to by the Government of Bhutan against southern Bhutanese of Nepali ethnicity, over 100,0000 southern Bhutanese, 65 per cent of them women and children, had been forced to flee their homeland and become refugees in India and Nepal. Southern Bhutanese women had been made the victims of displacement as a result of the depopulation policy followed by the Government of Bhutan. Thousands of southern Bhutanese women had lost their citizenship and were listed as illegal immigrants as a result of the arbitrary implementation of the 1985 Citizenship Act. Ever since the ongoing movement for human rights, rule of law and political pluralism began, southern Bhutanese women had been made the targets of repression by the security forces. Reports by non-governmental organizations depicted horrifying cases of rape and dishonour committed against them. The Movement appealed to the Commission to set up an independent body to study the human rights situation in Bhutan, particularly the plight of southern Bhutanese women who had been thrown out of their homes and were living in refugee camps in Nepal.

MACRAM MAX GASSIS, of Pax Romana, said that the appalling human rights violations being perpetrated by the Islamic fundamentalist régime in the Sudan against the Christians and non-Muslims of that country had continued. In southern Kordofan, the population of an entire ethnic Nuba community had been caught up in a web of the most inhuman measures perpetrated by the régime, including killing, torture, rape, displacement and denial of food and the basic amenities of life. In spite of the fact that the international community knew that the entire region of southern Kordofan was within the civil war zone, it had permitted the régime in Khartoum, against whom that population had risen, to veto any provision of humanitarian relief for those unfortunate people.

How could the international community fail to do anything to help? In southern Sudan, the régime was conducting a scorched earth campaign against the African population of the region, he said. Those in the Christian Church leadership in the Sudan had found themselves in direct conflict with those in State authority who would not brook churches' defending the basic human rights of their citizens. While Pax Romana strongly endorsed the resolution before the Commission requesting the extension of the appointment of the Special Rapporteur on human rights in the Sudan, it hoped that this year the Commission, and the international community in general, would also see fit to recommend a stronger course of action.

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HUMAN RIGHTS COMMISSION ELECTS 13 MEMBERS TO SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Discussion Continues on Human Rights Violations Worldwide

GENEVA, 7 March (UN Information Service) -- The Commission on Human Rights this afternoon elected 13 members to its principal subsidiary body, the Subcommission on Prevention of Discrimination and Protection of Minorities. Three members were picked from African countries, three from Asia, one from Eastern Europe, three from Latin America, and three from Western Europe and Other States.

From Africa were Judith Sefi Attah, of Nigeria, with Mbonu Christy Ezim, alternate; El-Hadji Guisse, of Senegal, with Ndary Toure, alternate; and Lucy Gwanmesia of Cameroon, with Pierre Sob, alternate. From Asia were Fan Guoxiang, of China, with Zhong Shukong, alternate; Mohammed Sardar Ali Khan, of India; and Osman El-Hajje, of Lebanon. From Eastern Europe was Stanislav Chernichenko, of the Russian Federation, with Teimuraz Ramishvili, alternate. From Latin America were Jose Augusto Lindgren Alves, of Brazil, with Marilia Sardenberg Zelner Gonçalves, alternate; Jose Bengoa, of Chile, with Mario Ibarra, alternate; and Miguel Limon Rojas, of Mexico, with Hector Fix Zamudio, alternate. From Western Europe and Other States were Louis Joinet of France, with Emmanuel Decaux, alternate; Erica-Irene Daes, of Greece, with Kalliopi Koufa, alternate; and Claire Palley, of the United Kingdom, with John Merrills, alternate.

The 26 members of the Subcommission -- referred to as experts -- serve four-year terms, with half of them elected every two years. Voting is by secret ballot. The Subcommission meets for four weeks each summer, and throughout the year its experts carry out studies and produce reports on human rights issues. Its rules of procedure indicate that the experts serve independently of their countries of origin.

In a meeting that concluded at midnight, the Commission considered in its third day of debate the question of human rights violation anywhere in the world. The representative of Barbados echoed the views of several speakers from developing countries when he stated that discussion of the subject had

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shown once again "a preoccupation with civil and political rights", and that "the ritual of public censure" under the topic was "reserved primarily for developing countries". He said offending States should be encouraged to redress abuses through dialogue and cooperation.

The representatives of Poland, Sri Lanka, Finland, Japan, Venezuela, Syria, Canada, Russian Federation, Republic of Korea, China, Malawi, Chile, Netherlands and Pakistan addressed the Commission.

Statements were also made by observers from the following countries: Myanmar, Armenia, Ethiopia, Switzerland and Algeria.

Representatives of the following non-governmental organizations also participated in this afternoon's meeting: International Movement for Fraternal Union among Races and Peoples, World Conference on Religion and Peace, All-Pakistan Women's Association, Christian Solidarity International, International Lesbian and Gay Association, International Fellowship of Reconciliation, Muslim World League, World Student Christian Federation, Andean Commission of Jurists, Sierra Club Legal Defence Fund, and International Organization for the Elimination of All Forms of Racial Discrimination.

Indonesia, Guatemala, Iraq, Egypt, Algeria, Cuba, Kuwait, China, Iran, Togo, Viet Nam and Morocco exercised the right of reply.

Statements in Debate

LUIS ONDO AYANG, of the International Movement for Fraternal Union among Races and Peoples, said many dictators found it hard to surrender power and, even though democracy supposedly war being established, the dictators cheated and otherwise imposed their will on the people. An example was Equatorial Guinea. While the Government there had committed itself to respect human rights and to negotiate with the opposition and allow it to state its views in the press, nothing had changed. Repression had worsen, and there had been further assassinations. Respecting asylum was considered a crime, and exiles returning to the country were arrested, as were those trying to flee. There was no true system of justice. The international community and United Nations agencies must support those who were fighting for democracy, take measures against those who had hijacked the country, and refuse to recognize institutions brought about through elections held under a state of terror.

DAVID ARNOTT, of the World Conference on Religion and Peace, said that last November, General Khin Nyunt, Secretary One of Burma's ruling State Law and Order Restoration Council, and head of Military Intelligence, gave three speeches inviting the "armed organizations in the jungle" to "return to the legal fold" and cooperate with the Government in the development of their regions. The prospect of the Burmese Army ending the civil war and beating its mortars into ploughshares was intriguing enough to gain attention. Forced labour, forced relocation and economic sabotage were part of the Army's low intensity conflict strategy to control the non-Burman civilian population and force the armed groups into surrender. If the Council, in dialogue with Aung San Suu Kyi, could begin a process of reconciliation between the Army and the

democracy movement, it might lead to a period of transition towards genuine popular participation and avoid the violence of a power struggle within the Army. The way might then be open to tripartite discussions between the military, the political opposition and the ethnic opposition. The restoration of international assistance that would accompany that process could also lead to genuine development, with no forced labour.

SHAMIM SHAWL, of the All-Pakistan Women's Association, said that she came from a small town of about 70,000, where, twice in January and November 1993, people had been butchered by the Indian occupying forces. Present-day Indian occupied Jammu and Kashmir abounded with examples of extrajudicial killings, indiscriminate firing on peaceful demonstrators, arbitrary arrests and detentions, disappearances and custodial deaths, looting and damaging of property, violations of medical neutrality and excesses against women and children by Indian "insecurity forces". Kashmiris who were suffering at the hands of the Indian occupying forces also were mindful of the plight of the Kashmiri pundits. There was a lot of false propaganda against Muslim Kashmiris regarding their so-called hostile attitude towards the pundits. The people of Jammu and Kashmir living in Indian-occupied Kashmir had fixed their eyes on the proceedings of the Commission. It must send a Special Rapporteur to monitor the extent of organized State violence against the people of Kashmir, particularly women; call for the release of all the prisoners of conscience and detained women; and ensure medical neutrality by helping the International Red Cross to monitor the depleted conditions of the hospitals.

DAVID BLACKMAN (Barbados), speaking on behalf of the members of the Caribbean Community (CARICOM) represented in Geneva -- Belize, Jamaica, and Trinidad and Tobago -- pointed out that the debate on the item had again this year shown a preoccupation with civil and political rights. The ritual of public censure, reserved primarily for developing countries, continued to characterize the consideration of the item. While issue of human rights was the legitimate concern of the international community, States were primarily responsible for promoting and protecting human rights within their borders. Offending States should, therefore, be encouraged to redress abuses through dialogue and cooperation. The adoption of resolutions or the appointment of special rapporteurs, independent experts or the conduct of studies would not, in themselves, end violations of human rights. States must be involved in the process of redress.

It had to be recognized that the Commission was a deliberative body without enforcement powers, he said. However, those sentiments should not be construed as a lack of concern by CARICOM States for the rising incidence of racism, xenophobia, intolerance, systematic torture, summary and arbitrary executions and various other forms of violations described in the reports before them. Such violations were disconcerting and had to be condemned, but in a balanced, objective and non-selective manner. The Commission's decisions must be consistent with what was agreed to at Vienna. The right to development had been proclaimed an inalienable, fundamental right, and the human person had been termed the central subject of development. It was, therefore, no longer sustainable to ignore or circumvent that significant human rights milestone.

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JACEK TYSZKO (Poland) said that one must not forget that those whose rights were violated had only one hope -- that was the international community -- if they had no satisfactory protection on the domestic level. Poland knew from its own experience how important it was to be aware that an international community existed, and that there was such a body as the Commission on Human Rights. One of the genuine hopes and, at the same time, major challenges to the international community was the current process of transition of many societies to a free and democratic State and social order. The role of the United Nations could not be over-estimated. While paying tribute to the efforts of the Commission and of the United Nations, one could not hide the frustration caused by the fact that, in some countries, serious human rights violations continued in spite of international community's attention. For example, Nobel Peace Prize winner Aung San Sun Kyi still remained under house arrest. The refusal to cooperate with the Commission's representatives ought to be classified as non-compliance with international commitments.

U TIN KYAW HLAING (Myanmar) said the objective of his country was to have a multi-party democratic State based upon the universal principles of justice, liberty and equality. Mass rallies running into hundreds of thousands were being held under the auspices of a private association known as the Union Solidarity and Development Association, which worked for national solidarity and national development of the country. To have social, economic and political justice in that country, institutions for the separation of administrative, judicial and legislative powers would have to be put in place. Only then would civil liberties like freedom of action and speech subject to the law be ensured. To lay down the basic principles to be enshrined in the new Constitution, a national convention was being held with delegates representing all strata of the Myanmar society taking part.

Contrary to certain misconceptions, he continued, there was a process of free and open deliberations and mutual accommodation by the delegates at the convention, and a consensus had been reached on the 104 fundamental principles to be embodied in the new Constitution. The armed forces known as the Tatmadaw were born out of the national struggle for independence nearly 50 years ago. Allegations had been levelled at some of its members, which emanated mainly from subversive groups and from their supporters with ulterior political motives. The members of the Tatmadaw were not above the law and could not break the law with impunity. Should there be any infraction of the law or code of conduct, punishment commensurate with the offence was duly meted out.

JOHN EIBER, of the Christian Solidarity International, said that decades of civil war in the Sudan had tragically transformed the potentially prosperous Sudan into one of the world's worst human rights disaster areas. Since the outbreak of the latest phase of the conflict in 1983, approximately 1.5 million people had perished. An estimated 5 million had to flee their homes. The infrastructure of Nuba and southern society was being systematically destroyed, raising the spectre of genocide. The Government bore primary responsibility for such acts as extrajudicial killings, arbitrary detentions, and persecution of non-Muslims. The time had come to take a firm stand against the violations of human rights in the Sudan, which produced unimaginable misery and gave rise to dangerous political instability in the region. His organization, therefore,

called on the international community and, in particular, the Security Council, to encourage the Government to honour its voluntarily accepted rights and obligations by: imposing an oil and arms embargo against the Sudan; establishing an air exclusion zone over the conflict zone; expanding Lifeline Sudan to serve all areas of the Nuba mountains; authorizing the placement of teams of permanent human rights monitors; and enabling the people of the south and Nuba mountains to be given the opportunity to determine their own future.

GIZELDA FERNANDES, of the International Lesbian and Gay Association, said that recognition of the rights of homosexuals had improved over the past year, but, unfortunately, there also had been much violence committed against them. It was hard to give exact figures, but such incidents had to be put in the same category as increases in racism and xenophobia, and there were certain parallels with violations committed against women. In Montreal, 12 homosexuals were killed under similar circumstances over the course of a year. There also had been killings of homosexual men in the United Kingdom. Elsewhere, violence was less well known or well publicized. In Sydney, acts of violence against homosexuals had become the focus of animated public debate. A law prohibiting systematic discrimination against homosexuals subsequently entered into force there. More countries were beginning to keep statistics on such violence. Violent incidents had been reported in Brazil and Mexico, and there seemed to be a lack of punishment for the crimes.

RENE WADLAW, of the International Fellowship of Reconciliation, said that government representatives had a tendency to deny the gravity of conflictual situations in their country. Some years ago, the then representative of Burundi had assured him that there were no tribal tensions in Burundi, and that the division of the population into Hutu and Tutsi was an invention of European anthropologists. The killings of last October, the burning of homes, and refugee flows which followed the attempted military coup seemed to have followed tribal lines. He called upon the Government of the Sudan, the military factions of the Sudan People's Liberation Army and the civil society to work with those concerned organizations from outside the country to end misery, famine and death. He said he was pleased to see that the United Nations was giving greater attention to early warning and preventive diplomacy as set out in the Secretary General's "Agenda for Peace". The case of the former Yugoslavia was a tragic example of missed opportunities. The report of Special Rapporteur Tadeusz Mazowiecki reflected a savage violence which was beyond what many thought possible. His organization had been working actively for an overall settlement to the situation in ex-Yugoslavia.

SHAMIMA DAR, of the World Muslim League, recalled that there was a human rights crisis in the state of Jammu and Kashmir for the last four years. The intensive operations by 600,000 Indian forces over the past four years were aimed at changing the demographic pattern, either by killing or driving people out of their ancestral homes. India's brutal attitude had forced Kashmiri youth to take up guns. The Kashmir problem had become a threat to international peace. Atrocities against women had continued unabated, and rape, irrespective of age, had become a common method of demoralizing the people of Kashmir. Indian security forces deliberately prevented injured persons from receiving medical care. They stopped hospital ambulances, beat

ambulance drivers and even shot them dead. Doctors and other health personnel were harassed, manhandled and prevented from reaching the hospital where they were urgently needed. She called upon all human right organizations and States to join with the people of Kashmir and fight for their basic rights, to force India to stop human rights violations in Kashmir, and help them to achieve the right of self-determination.

TILAK MARAPANA (Sri Lanka) said that, on 1 May 1993, terrorists struck a tragic blow against Sri Lankan democratic institutions when the elected President of Sri Lanka was assassinated in Colombo. The ongoing inquiry indicated that that diabolical and senseless act was the work of the Liberation Tigers of Tamil Eelam. The manner in which the Government, the opposition, and the people of Sri Lanka had reacted in the aftermath of the assassination was exemplary. A new President had been unanimously elected and installed. Throughout the traumatic period, complete law and order was maintained and communal harmony prevailed; there were no reprisals against groups who might have been suspected of involvement in the assassination.

Continuing, he said Sri Lanka had acceded to the United Nations Convention against Torture, and a mechanism had been set up to ascertain the fate and whereabouts of persons reported missing prior to 1991, as had been recommended by the United Nations Working Group on Disappearances. Emergency regulations pertaining to arrest and detention procedures had been reviewed and revised; and the recommendations of the Working Group were under implementation. Clearly, the most significant of the measures that were proposed by the Government to the Commission last year was the achievement of a negotiated political settlement to the problems involving the north and east of the country. The Liberation Tigers alone had refused to enter the democratic process, attempting to achieve its aim of creating a separate mono-ethnic one-party State in the north and the east by violent means.

HANNU HALINEN (Finland) said that the role of the Special Rapporteur was not that of a judge, but rather that of a doctor. Thematic rapporteurs and advisory services, as well, should be objective and impartial; and Governments and other parties should assist and cooperate fully. Finland remained deeply concerned about the fact that the human rights and humanitarian situation in the territory of former Yugoslavia had not improved. Reports about incidents in the south-eastern region of Turkey gave cause for concern. The right of its Government to defend that country against terrorism was unquestionable, yet, Finland expected that all necessary measures would be taken to guarantee the respect of basic human rights of civilians. The Government was deeply concerned about violations of human rights in Iraq, Iran, Cuba, Sudan, Myanmar, East Timor, China, Peru, Colombia and Haiti. It was crucial to act early and decisively to prevent incidents from escalating further, but determined prevention of such escalation should not, as in Algeria, be carried out at the cost of the overall protection of human rights.

SHUNJI MARUYAMA (Japan) regretted that the conflict in Kabul was now spreading to other cities and areas of Afghanistan. His Government fully agreed with the recommendation of the Special Rapporteur that all political leaders and other eminent persons from inside and outside Afghanistan be

invited to meet and take steps to achieve peace, and specifically to elaborate and implement a plan for the holding of free and fair elections. He also expressed concern at the reports of human rights violations in Cuba, and regretted that that Government, which was a member of the Commission, had refused to permit the Special Rapporteur to visit Cuba. He urged that country to cooperate with the Special Rapporteur. Highlighting human rights situations in Cyprus, East Timor, Equatorial Guinea, Haiti, Iran, Iraq, Myanmar, Sudan, and Bosnia and Herzegovina, he expressed the hope that those countries in which grave violations of human rights were reported would make further efforts to improve the situation. It was incumbent on all Member States of the United Nation to respect and promote human rights.

ALFREDO TARRE MURZI (Venezuela) said the Vienna Declaration had given a new dimension to human rights for the years to come. It was necessary to implement the provisions of that Declaration in its entirety. People in all countries should have the right to live, to housing, to adequate food and to economic, cultural and social benefits. Efforts undertaken in his country would attempt to meet the economic and political aspirations of its population. The new democratically elected President of Venezuela was attempting to improve the living conditions of the people. The military authorities in Haiti had persisted in their refusal to abide by the will of the international community to return to democracy.

CLOVIS KHOURY (Syria) condemned the ongoing human rights violations perpetrated by Israel in southern Lebanon and requested Israel to withdraw immediately. Although the Commission had asked Israel to report on the implementation of the resolution, it had not replied. Israel violated human rights on a daily basis in that area, which resulted in hundreds of detentions and deaths, as well as the destruction of homes, schools and places of worship. In addition, the Lebanese resistance was a legitimate right guaranteed under international law. The killing of Palestinians in Hebron should be condemned. The expansionist policy of Israel resulted in increasing violence in the occupied territories, and was responsible for religious extremism. The Palestinian people had the right to self-determination. Syria had been faithful to its international commitments.

SONIA BALLARD (Armenia) said her Government had ratified many of the international conventions pertinent to respect for human rights. It had also created conditions in which the universal values of human rights and the democratic rights of the individual were guaranteed. Her Government had also implemented measures to promote human rights through the reinforcement of State institutions and by improving the administration of justice. However, she said, her country was not able to achieve its political and social reforms because of the blockade imposed by neighbouring Azerbaijan since 1989. The blockade had caused shortages of food supply and other basic needs. As a landlocked country, Arenia was cut off from the rest of the world, and was not receiving any humanitarian assistance.

YOUSUF IBRAHIM OMAR (Ethiopia) said that the issue of promotion and protection of human rights was of particular concern to his country, as Ethiopians had been victims of all types of human rights violations during the

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17 years of the Derg régime. The present political situation of the country was characterized by freedom of speech and expression and by active political participation. The passage of the Press Law had enabled the proliferation of private publications without fear of censorship and interference. Political organizations of different orientations were freely participating in the democratic transition. At the highest stage of the democratic transition, the foundation for the transfer of power to a democratically elected Government was being laid down. The irreversible historical changes in the future course of his country required the understanding and continued support of the international community.

JOHN WARDLAW, of the World Student Christian Federation, in a joint statement with the World Student Christian Federation, the International Union of Students and the World Federation of Democratic Youth, said that academic freedom and free expression had been severely curtailed in Myanmar. Atrocities were being committed on a wide scale by the soldiers of the Myanmar Army against innocent villagers, including extrajudicial execution, forced labour, rape, forced relocation and confiscation of property. The Federation recommended the imposition of economic sanctions on the current ruling junta until the truly elected representatives of Parliament could take office. Many students had fled that country to seek refuge from human rights abuses, and approximately 60,000 men, women and children had fled Burma and were living in camps on the border between Burma and Thailand. Furthermore, in El Salvador, the current situation was highly precarious with a rise in death squad activity. Although the Federation was very positive about the economic, social and cultural rights of the students in Cuba, it was dismayed that those rights were threatened by the blockade imposed by the United States. The human rights of students were also being violated in the Sudan, Zaire and Bhutan.

CAROLINE G. PERATTA, of the Andean Commission of Jurists, said that the persistence of internal armed conflict in Colombia and Peru had led to serious violations of human rights. Thousands had died in Colombia due to extra-judicial executions. Impunity occurred in Colombia and, during most of 1993, emergency measures not only restricted human rights but had become permanent legislation. In Venezuela, there were numerous violations of the right to life. In Peru, the Shining Path was responsible for many deaths, and the situation pertaining to the right to life was cause for concern. The judiciary lacked independence, and hundreds were detained and sentenced to long prison sentences. The authorities did not wish to punish those responsible for violations. The Commission should appoint an independent expert on Peru.

NEIL POPOVIC, of the Sierra Club Legal Defence Fund, said that environment-related violations of human rights were increasing. For example, the massive human displacement caused by the Chernobyl nuclear disaster in 1986 was still unresolved. Whether it was air and water pollution in Central and Eastern Europe, deforestation in Latin America and the South Pacific, destructive armed conflict in Africa, Burma and other environmentally sensitive areas, or exportation of toxic substances from the United States to less developed countries, the serious human rights implications of environmental problems demanded attention. He urged the Commission to add a new item to its agenda entitled "human rights and the environment".

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HANAN SHARFELDIN, of the International Organization for the Elimination of All Forms of Racial Discrimination, said that although the massacre of Palestinian worshippers at the Hebron Mosque had received wide condemnation, Israel had not allowed such condemnation to affect its treatment of Palestinians. Israeli authorities clearly made a sharp distinction between protecting Israelis and protecting Palestinians, although both were entitled to equal protection. While 20,000 Palestinians in Israeli detention centres were merely suspects of possible future acts of violence against Israelis, the Israeli Government had decided on a possible detention of about five Israeli settlers. The Israeli Government was legally responsible for the massacre. The Security Council, which was so resolute and active against Iraq, had allowed the situation to deteriorate to that level by its acquiescence in continued Israeli violations. What would jeopardize the road to peace would be the unwillingness of the Security Council to ensure protection for the Palestinians, and the Israeli response to the massacre.

ANNE PARK (Canada) expressed concern about the human rights situation in numerous countries, including Iran, Sudan, Haiti, Burma, Cuba, Somalia, Cambodia, Zaire and Indonesia. In the former Yugoslavia, there could be no lasting peace without adequate protection of minority rights. In addition, the independence of Georgia, Azerbaijan, Armenia and others was a triumph that could not be allowed to turn to tragedy. Minorities should be respected and differences settled by peaceful negotiation, not by armed conflict. In addition, Canada was shocked and dismayed by the rise of racism, extremism, anti-Semitism and neo-Fascism in parts of Europe and elsewhere. Regarding Jammu and Kashmir, the best prospects for a lasting solution were the bilateral talks which had begun between India and Pakistan. Canada endorsed the positive approach adopted by the Mexican Government, in response to the recent uprising in Chiapas, to appoint a special conciliator and address the fundamental problems of indigenous people. Governments which persisted in violating the human rights of their people would increasingly find themselves excluded from the mainstream of the international community.

SERGUEY KOVALEV (Russian Federation) said that help should be given to countries in transition from totalitarian regimes to democracy. The Russian Federation had made progress in the judiciary and other areas and welcomed non-governmental organization participation. There were grounds for hope, as well as concern for Latvia and Estonia. In the former Yugoslavia, the presence of Russian soldiers was evidence of a sincere desire to help find a lasting solution. Measures should be adopted to alleviate the suffering of children; humanitarian aid, including food and medicine, should be supplied. He appealed to both the Israelis and their Arab neighbours, including the Palestinian people, to pursue peaceful dialogue. He expressed concern about the human rights situation in numerous countries, including Iraq, Myanmar, Sudan, Somalia, Cuba, Haiti and Iran. The Russian Federation appealed to both communities in Cyprus to find a lasting solution, and respect the rights of all groups. He expressed the hope that improvements in the well-being of the Chinese people would lead to steps towards democracy, although it was not occurring as quickly as desired.

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SUK JO LEE (Republic of Korea) said that when Governments were not willing or able to protect people in their jurisdiction, the international community should take a greater share of responsibility for their protection. He estated that the Republid of Korea was concern over the continued human rights violations in 10 countries whose reports were presented to the Commission, and appealed to those Governments to guarantee the basic human rights of their people by abiding by the rule of law and observing international human rights standards. He deplored that many Governments had not complied with the recommendations of the Special Rapporteurs. Without full cooperation on the part of the Governments concerned, the Commission could not achieve its goals. He also spoke about the serious human rights situation in the Democratic People's Republic of Korea, and said that the Commission had been mostly silent on that point. The Democratic People's Republic of Korea repeated that it had not a single jobless person, nor a beggar, nor a vagabond, nor an illiterate, nor a drug addict. None the less, it was widely known that all forms of civil and political rights in the North were infringed under a system of inhumane oppression. The deprivation suffered by the North Korean people was camouflaged behind the shield of their so-called self-determination.

JEAN-DANIEL VIGNY (Switzerland) said that the suffering inflicted upon the civilian population in former Yugoslavia was unacceptable. All those who committed the atrocities in the region should be rapidly brought before the International Tribunal to persecute persons responsible for human rights violations in former Yugoslavia. In Croatia, the discrimination and violations exercised against the minority Serbs and Muslims had persisted in all its forms. Krajina was doing the same by deporting the non-Serb minorities from its territories. In Zaire, the democratic process was deadlocked because of the existence of two prime ministers who were confronting each other for power. He also expressed concern at the lack of democratic processes and the continued violations of human rights in Togo, Equatorial Guinea, Sudan, Cyprus, Myanmar, Iraq, Afghanistan, East Timor, and Bougainville. The positive economic and social gains achieved by Cuba could not justify the grave violations of human rights. He highlighted human rights situations in Haiti, Peru, Angola, Somalia, Burundi, Albania, Georgia, China, Kashmir, Romania, Guatemala and El Salvador.

WANG GUANGYA (China) stated that never before in Chinese history had the Chinese people enjoyed so adequately the human rights and fundamental freedoms as they did today. However, during the current session, a few countries and a small number of non-governmental organizations, intentionally distorting facts, had launched unfounded charges against the Government. They either purposefully ignored the truth or knew little about the real situation in China. China was now fully dedicated to the economic construction which aimed at the realization of modernization. The Government was profoundly conscious of the fact that in order to reach that goal, there was an imperative need for harmonious social environment. China today was experiencing rapid economic development, political stability, harmony among nationalities and social advances. His country was in the process of perfecting democratic and legal institutions, and the living standards of the people of all the nationalities were on the rise.

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Speaking about questions of torture and treatment of prisoners and summary execution in China, he said Chinese Constitutional laws protected the rights of individuals. The real motive of those who raised the issue of so-called human rights in Tibet was to dismember China. He said that he was strongly opposed to any vicious slander or defamation against a sovereign State in the name of human rights. It was high time that the Commission put right such behaviour, which was diametrically opposed to the spirit of international cooperation established in the Vienna Declaration and Programme of Action.

MIRIAM MALUA (Malawi) said the Special Rapporteur's report represented the situation in that country preceding the national referendum. Since then, positive action had been taken, including, among other things, passage of the general amnesty act to grant amnesty to all religious exiles, reviewing of the jurisdiction of the traditional court system, and amending laws restricting freedom of expression of the press. The Malawi Government was committed to democracy and the holding of peaceful elections this May.

FELIPE PORTALES (Chile) said that a State should fulfil its obligations by ensuring the individual full rights within the State. The conception that the State violated the rights of its citizens could only be reversed when it punished those who perpetrated the crimes against individuals. It should also guarantee the rights of the individuals by protecting them from abuses, either by the agents of the State or by armed groups. The international community had the obligation to supervise the modalities for respect of basic human rights in any part of the world through its monitoring mechanisms.

CEES FLINTERMAN (Netherlands) said there could be no rule of law, where impunity persisted, and that it was the primary responsibility of Governments to tackle the problem with genuine solutions beyond mere window-dressing. International involvement in the elimination of impunity was legitimate, to be addressed through United Nations mechanisms, such as the treaty bodies, the special rapporteurs and working groups, and the work of the Commission. The involvement of the United Nations lay mainly in the field of jurisdiction, such as by establishing the obligation of States to investigate allegations of violations of human rights, to bring the perpetrators to justice and to adopt preventive measures. Non-governmental organizations had an important role in combating impunity, including helping victims to organize and voice their grievances, and pressuring the Government to investigate alleged violations.

HOCINE MEGHLAOUI (Algeria) said that the cases reported by the Special Rapporteur on summary executions concerning Algeria had not been extrajudicial executions, but sentences handed down because of terrorist activities. There had not been emergency courts in Algeria since 1989. The special courts were composed of professional magistrates, and the rules for common law criminal procedures applied. The right to a defence was recognized. Anyone sentenced to capital punishment could request clemency from the Head of the State, and no minor had ever been sentenced to death. Only the most serious crimes, such as terrorism, were subject to the death penalty. The Government intended to ensure that human rights were respected and to banish violence as a means for people to rise to power.

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MUNIR AKRAM (Pakistan) reiterated the importance his Government attached to the question of Kashmir. His Government and the people were deeply disturbed and appalled by the continuation of the conflict in Bosnia and Herzegovina. He fully endorsed the appeal made by the European Council for Peace in the Balkans, which had called upon the Commission to invoke the United Nations Genocide Convention with respect to "ethnic cleansing" and aggression and urged signatory States to prevent and punish the perpetrators of genocide, particularly as no instrument of international law was brought to bear against the aggressor to date. With regard to Afghanistan, his country had provided shelter to more than 3 millions Afghans for almost 15 years at tremendous costs to its society, economy and ecology. One-and-a-half-million Afghan refugees remained in Pakistan. International assistance to them had declined. He then expressed deep concern at the situation of human rights in the occupied Arab territories. The terrible massacre of Muslim worshippers in the Mosque last Friday was a consequence of the policy of establishing and maintaining settlements in the occupied territories.

Right of Reply

FRANCISCO AMARAL (Indonesia) said the so-called second massacre in Dili last week had never occurred; moreover, it had not been covered by either the national or international media. The supposed eyewitnesses were part of a world-wide campaign to discredit Indonesia and spread hate. The people of East Timor aspired to a peaceful life, and the international community should refrain from instigating hatred.

JUAN CARLOS CUESTAS GALVEZ (Guatemala) rejected the accusation by one non-governmental organization against his country, distorting its true image. Although the Vienna Declaration underlined indivisibility and interdependence of human rights, it was unacceptable that such non-governmental organizations should distort the image of his country. Guatemala was doing all it could to respect human rights which were prerequisite to all other human developments. The efforts undertaken by his country were serious and far-reaching. Guatemala was always cooperative in working with the Commission.

MUNIM ALKADHI (Iraq) said that the statements of certain Western countries were attempts to foster a hostile climate for Iraq. The United States had kindled the campaign and, as the only State persisting in the embargo against Iraq, was thus responsible for the condition of Iraqi women and children. The United States was the last country to be able to talk of human rights, considering the violations it perpetrated around the world. The United States should clean up its own country of mercenaries and terrorists.

MOUNIR ZAHRAN (Egypt), responding to the Special Rapporteur on summary executions, said that no death sentences were passed against minors in Egypt. The Special Rapporteur was not specific in his information and had information which was incorrect. Military courts in Egypt were constitutional and functioned after other means had been exhausted. Some groups were attempting to impose their extreme ideas on the society. There was limited use of death penalty; such sentence was carried out only in extreme cases and in accordance with the law.

Mr. MEGHLAOUI (Algeria) said allegations that Algeria imposed the death sentence on people under the age of eighteen, made by the Special Rapporteur on extrajudicial executions, had been refuted by the Special Rapporteur himself in a letter. However, a letter could not repair the damage. He requested that Algeria be deleted from the list of countries that executed people under the age of eighteen.

JOSE PEREZ NOVOA (Cuba) dismissed the accusations of the United States delegation as unfounded. He accused that delegation of not mentioning the sufferings of the people in the northern hemisphere from drug addiction and following nuclear experiments. The United States had a long list of human rights violations. Cuba had started its movement towards democracy 35 years ago, and it was a forerunner among the countries in Latin America. With regard to statements by Hungary and the Czech Republic, they were echoing what the United States had said. Referring to accusations by Switzerland, he advised that it take care of its own case of pornography instead of accusing others.

MOHAMMAD S. AL-SALLAL (Kuwait) said that his delegation had discussed only known violations perpetrated by Iraq. While Iraq had claimed that it was proven that it was not holding any prisoners, he said Kuwait had many files proving that persons were detained by Iraqi authorities. Iraq had not responded and could not because it had either eliminated the prisoners or was keeping them as hostages. Both were crimes of war. Iraq did not mention Kuwait by name in its statement and should recognize Kuwait as an independent Member of the United Nations.

ZHANG YISHAN (China) said that the European Union, including Sweden, were pointing accusing fingers at China while grave human rights violations occurred in its countries. The Union was campaigning against his country, with propaganda based on unfounded and baseless information. His Government had so far pursued its commitment in respect of human rights. China's accusers would have wanted China to follow the Western mode of democracy.

SEYED MOHAMMAD MOTAGHI-NEJAD (Iran) said that some Western States had made fictitious statements regarding the human rights situation in Iran. Salman Rushdie's Satanic Verses transgressed all norms of decency and should be banned. All religious minorities in Iran enjoyed political, economic, social and cultural rights on an equal basis with Muslims. Religious minorities had their own publications. Regarding freedom of expression, publications on a variety of subjects were distributed across the country.

ROLAND Y. KPOTSRA (Togo) said that his country had been mentioned by some States and non-governmental organizations. The Russian delegation, in particular, seemed to give lessons on human rights, while black African students in Russia were being ill-treated.

NGUYEN LUONG (Viet Nam) said that the struggle for human rights was not foreign to the people of Viet Nam and was a noble cause. The policy pursued over the past eight years was not simply aimed at economic renewal, but also

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aimed at fostering human rights and the rule of law. Independence and stability were essential for the promotion of human rights. However, eight years were not enough. Some of the allegations did not reflect reality.

EL GHALI BENHIMA (Morocco) rejected the allegations made by some non-governmental organizations and underlined the risk of discredit which they were running if they gave in to verbal aggression and political intoxication. His country was fully cooperative with the parties involved in the settlement of the problem. Those non-governmental organizations also forgot to refer to the attempts made by the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) against the United Nations settlement plans. Despite such allegations, his country was ready to cooperate with all non-governmental organizations.

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United Nations

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COMMISSION ON HUMAN RIGHTS CONCLUDES DEBATE ON GLOBAL SITUATION

Some Speakers, Calling For End To Accusations, Say North Should Examine Its Own Poverty, Addiction, Racism, Crime

GENEVA, 8 March (UN Information Service) -- As the Commission on Human Rights concluded its global survey of human rights violations anywhere in the world this morning, a number of speakers said that certain countries should focus on their own human rights situations and stop pointing accusing fingers at other countries.

Several speakers indicated that the number of accusing countries in the debate was on the increase and it was hindering the work of the Commission. In particular, they said that the countries of the North should not present themselves as role models and should look more closely at factors impeding the enjoyment of human rights in their own countries, such as poverty, drug addiction, racism and crime.

Further polarization between the North and South caused by allegations of human rights abuses would not help the work of the Commission, said the observer of the Democratic People's Republic of Korea, adding that vigilance was required to ensure that the East-West clash would not turn into a North-South clash.

Speaking on behalf of 10 non-governmental organizations, the Regional Council on Human Rights in Asia detailed human rights abuses committed against the civilian population in northeast Sri Lanka and urged the Liberation Tigers of Tamil Eelam and the Government to engage in dialogue and cease their hostilities. They also called on the Commission to appoint a Special Rapporteur to investigate human rights abuses in Sri Lanka.

Allegations of human rights abuses in Bougainville, Haiti, South Korea, Azerbaijan, India and several other countries were also raised.

In a statement, the Chairman of the Commission noted that a number of comments had been made during the debate which had reflected serious doubts on the integrity of one of the Special Rapporteurs. Special Rapporteurs were

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For information media—not an official record

appointed by the Commission and they were the agents of the Commission on Human Rights -- no more, no less. To cast any doubts on the integrity of the Special Rapporteurs was to cast them on the Commission itself. It was, therefore, the duty of the Commission to ensure that, while respecting the right to freedom of expression and the right to disagree, the character and integrity of its Special Rapporteurs were not called into question, he stated.

The representative of India addressed the Commission, as did the observers for Liechtenstein, Haiti, Cuba, Democratic People's Republic of Korea and Azerbaijan.

Representatives from the following non-governmental organizations also participated: International Federation for the Protection of Ethnic, Religious, Linguistic and Other Minorities; Centre Europe - Tiers Monde; Regional Council on Human Rights in Asia; Latin American Federation of Associations of Relatives of Disappeared Detainees; Liberation; and Indian Institute for Non-Aligned Studies.

Latvia, Pakistan, Sudan, Republic of Korea, Democratic People's Republic of Korea and India exercised the right of reply.

Statements in Debate

CLAUDIA FRITSCHE (Liechtenstein) said she hoped that the necessary human and financial resources would be given to the Special Rapporteurs to enable them to carry out their mandates more effectively. Also, when appointing Special Rapporteurs in the future, due regard should be given to the enhanced representation of qualified women. Turning to the human rights situation in Iran, she said it remained unchanged. Violations of human rights continued to occur on a large scale, discrimination against women persisted and a large number of death penalties continued to be imposed.

The Baha'i community continued to be subject to discrimination and harassment, she continued, and she was also concerned about the violations in East Timor. In the former Yugoslavia, human rights violations continued to be committed by all parties to the armed conflict although the primary responsibility lay with the Serbian side. She hoped that the International Tribunal would be provided with the necessary financial resources to take up its work very soon.

JOSEPH ANTONIO (Haiti) said that since the first democratic election of President Aristide in December 1990, the delegation of the legitimate Government had appeared before the Commission four times. The coup d'état of September 1991 had brutally interrupted the democratic process. Since then, the Haitian delegation, which still represented the legitimate Government, was engaged in denouncing the violations of human rights by the handful of military, which had usurped the power. The military was practising assassination and extrajudicial executions were being committed. Haitians fleeing the atrocities and repressive measures were drowned at sea while sailing to find a refuge in other countries.

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The terror perpetrated by the agents of the military régime had forced people to displace themselves and change their place of residence, he said. So far, more than 40,000 Haitians had gone into exodus, fearing torture and arbitrary arrest. He deplored the refoulement being practised by some countries, which endangered the lives of many Haitians either on the high seas or back in Haiti. He urged the international community to help restore the democratically-elected Government of President Aristide.

JOSE PEREZ NOVOA (Cuba) said that the situations in Guatemala and El Salvador should have remained under the agenda item dealing with country situations. The expert on Guatemala had supplied enough evidence to justify concern about the human rights situation. Cuba strongly supported the resolution on Haiti, and wished that a stronger resolution had been adopted on impunity.

An attempt had been made to convince the Commission that the human rights violations perpetrated by the countries of the North did not require attention, he said. The countries of the North seemed untouchable in the Commission and gave themselves the right to tell the countries of the South what to do. That diminished both the credibility of the agenda item and the Commission. The report by the State Department of Human Rights Situations around the World doled out accusations and did not mention anywhere the United States, which perpetrated human rights violations in its own as well as in many other countries. The Government of the United States did not even respond to the countless allegations of human rights violations.

SALMAN KHURSHID (India) recalled that Mahatma Gandhi had shown the beacon of Ahimsa to the world illustrating how human rights must be achieved without violence and how rights could not truly exist without corresponding human duties of the highest order. However, it was preposterous to equate the right to self-determination with religion and with extra-territorial ambitions either covertly or overtly. Elusive and selective interpretation of that concept manifested itself in the encouragement of group claims resulting in acts of anarchy and aggression which posed a grave threat to the survival of pluralistic polity across the globe. Nearly all States were multi-religious and multi-ethnic in varying degrees and would remain so.

Pakistan, he went on, posed as a champion of Kashmiris and shed crocodile tears for their so-called plight of India. But Pakistan had done little for the people of the areas of Kashmir under its illegal occupation. Apart from effectively disenfranchising most of the areas of Kashmir under its illegal occupation and ruling them directly from Islamabad through a Commissioner, it had cruelly ignored the socio-economic developmental needs of the people there. Moreover, Jammu and Kashmir, a symbol of India's secular democracy, had become a target of Pakistan-sponsored terrorism for the last five years.

RI TCHEUL (Democratic People's Republic of Korea) said that the number of accusing countries in the Commission seemed to be rising rapidly. The accusing countries, often from the West, attacked the socialist countries in particular, and turned the question of human rights into a political and military strategy. Further polarization between the North and South would not

help the work of the Commission. Furthermore, vigilance should be maintained to ensure that the East-West clash did not turn into a North-South clash. The countries of the North should not present themselves as models and should look more closely at poverty, racism and crime in their own countries. In addition, the South Koreans should abide by the 1991 agreement. The National Security Law, which allowed large numbers of South Koreans to be arrested and tortured, should be abolished.

SIMA EIVAZOVA (Azerbaijan) said that for six years now Armenia had been waging an undeclared war against Azerbaijan. Twenty per cent of the territory of Azerbaijan was occupied by Armenian troops, and more than 1 million people had no homes or means of survival. The economic infrastructure had been destroyed but the main victims were the peaceful civilian population including women, children and elderly people. The atrocities occurred under the cover of an ongoing propaganda campaign and alleged non-involvement by Armenia. The authorities of Armenia were pursuing a policy of genocide and "ethnic cleansing" towards the Azerbaijanis. In addition, Azerbaijani hostages as well as prisoners of war, had been deported to Armenia and were being used there as forced labour, particularly in Spitak. There were concentration camps in Echmiadzin and Gukark. Hostages and prisoners of war were being cruelly used as donors in the illegal trade of human organs and blood plasma. Azerbaijan welcomed resolutions adopted by the Security Council calling for immediate complete and unconditional withdrawal of the occupying forces.

MICHAEL VAN WAL, of the International Federation for the Rights of Ethnic, Religious, Linguistic and Other Minorities, said that the situation of the Greek minority in Albania was a matter for concern. The question of education for Greek children in their mother tongue remained unresolved. Turning to Tibet, he voiced alarm at both past and present violations of economic, social and cultural rights, especially the right to housing. In Lhasa, 5,000 Tibetans had been forcibly evicted from their homes since 1989, and at present more than 10,000 Tibetans were threatened with pending eviction and the demolition of their homes, in accordance with the still secret Lhasa Development Plan. With regard to the Bougainville situation, he said that Papua New Guinea's obvious lack of responsible human rights recognition was alarming. A speaker from the island of Bougainville detailed human rights violations in his country by the authorities of Papua New Guinea. In spite of the terrible hardships his people suffered, he said they would never give up their right to self-determination.

CYNTHIA NEURY, of Centre Europe - Tiers Monde, referring to the report on the situation in Haiti, said that the violations of human rights committed by the military had persisted despite the call by the international community to bring an end to such repressions. Several missions to Haiti had so far resulted in failure because of the military's resistance to hand back power to the democratically-elected Government. The lack of political will on the part of the international community had allowed the few bloody putchists to continue with their illegal occupation of power. During the international conference held last January, the restoration of President Aristide and the refugee questions were the objects of the discussion. However, the United Stated had exerted pressure not to discuss the refugee question because of the

agreements signed between them and Haiti to return Haitians sailing to Florida. Concerning Iran, she condemned the assassination of the Iranian human rights advocate, Kazem Radjavi, by State terrorists. The widow of the late Mr. Radjavi also took the floor to qualify her husband as a non-violent advocate of human rights.

H. FAUZI, of the Regional Council on Human Rights in Asia, speaking on behalf of 10 other non-governmental organizations, said that the continuing violation of human rights of the people of Sri Lanka should be considered as a priority concern of the Commission. Although the present Government of Sri Lanka denied the fact of discrimination against the minority communities in the island, the realities were well known to the international community and need not be described in detail.

In Sri Lanka, he continued, the military conflict in the north-east of the country caused tremendous loss of life and property and over a million persons had been internally displaced. In addition, the civilian population in this part of the island lived without basic amenities. The Government was using the ongoing conflict to prolong the state of emergency. The Commission should urge the two main parties to the conflict in Sri Lanka, the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) to seek a cessation of hostilities with a view to achieving a political solution through negotiations. In addition, the Chairman should appoint a Special Rapporteur to study human rights violations in Sri Lanka.

MAGDA GONZALEZ, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, said human rights abuses continued to occur in Latin America with complete impunity. In Colombia, murder of political opponents was committed at an alarmingly high rate and there was State terrorism, admitted to only by the Government's silence. Despite all the arguments of the Governments of El Salvador and Guatemala, it was reassuring that the Commission was investigating abuses there. In Turkey, the situation of the Kurds was alarming.

The Federation was also concerned about disappeared persons in Western Sahara since the "invasion by Morocco", he continued. The Commission should intervene in situations such as Haiti and Sri Lanka. Moreover, in the United States, violations of human rights occurred, and the non-governmental organization referred to a recent case of police brutality which had been documented on film. Countries should look at violations of human rights in their own countries before they accused others.

JASDEV SINGH RAI, of Liberation, expressed concern over violations of fundamental freedoms and human rights by India, particularly regarding the Sikhs. Over 10,000 Sikhs had been detained for political or punitive reasons, vague associations with suspects and political membership. Several thousand had also been tortured. Summary executions and involuntary disappearances were also committed by the Security Forces. In addition, many civilian deaths in Punjab had been carried out as the result of contract killings by criminal gangs, which sometimes worked in close association with the police. India continually claimed that it was perpetually being challenged by internal and

external groups intent on destroying its democracy, unity, secularism and economic development. That, however, was not true. It was time that India read its original Constitution and the international agreements and genuinely respected human rights and the freedom of expression.

RASHMI KANT, of the Indian Institute for Non-Aligned Studies, speaking on the plight of women in Pakistan, said that violence against women remained the commonest of crimes and had taken some of the ugliest forms. The laws and customs discriminating against them were also wide-ranging and often oppressive. Family laws had remained the principal source of discrimination against women. In matters of inheritence, the law continued to discriminate against the female. The girl child, in most families, remained a lesser being, her education and health of lesser concern than the males. Unlike in most liberal democracies in the world, the religious minorities were finding it increasingly difficult to turn to the judiciary for redressing the injustice perpetrated against them. Children were also subjects of repression and the victims of abduction.

Rights of Reply

SANDRA KALNIENTE (Latvia) said that during last year's first free elections after the re-establishment of independence, the majority of voters had cast their ballots for the democratically-oriented parties, confirming that radicalism was not accepted. The Government of Latvia was committed to the elimination of any violation of human rights. They were guaranteed by the State to each individual, regardless of national, religious or political affiliation. Russia's demands that Latvia grant citizenship to all the persons transferred into the country during the 50 years of occupation was without basis and the granting of citizenship was each sovereign State's internal matter. The first draft law on citizenship and naturalization had been submitted to experts of the Council of Europe for evaluation.

SHAFQAT KAKAKHEL (Pakistan), referring to the Indian statement, rejected India's accusations of human rights violations by his country in Jammu and Kashmir. He said it was the Indian paramilitary forces who had perpetrated atrocities in the territory by killing children and women. India claimed that the Kashmiris were involved in terrorism, but it was a pretext to hide its own aggression. He said that Pakistan was not asking for any bilateral concession.

AGNES LUKUDU (Sudan) said that Japan, the United States and Poland had made allegations about bombardments of the civilian population by the Government. The statement of the Special Rapporteur for extrajudicial killings was made with disregard for Islamic principles. The statement of Pax Romana did not merit a response because it was fictitious, in particular regarding slavery in the Sudan. Pax Romana and other non-governmental organizations showed a common hatred for Islam.

SEUNG HO (Republic of Korea) said that his country's human rights practices were open to the world while those of North Korea were not. He

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sincerely wished that the dialogue between the two Koreas would continue in good faith. The remarks made by the Democratic People's Republic of Korea to abolish his country's national security laws was unacceptable.

PAK DOK HUN (Democratic People's Republic of Korea) said the Republic of Korea was the last régime to speak about human rights. In 1992, the present so-called civilian Government had been established, but it was identical to the past repressive régimes. Long prison sentences were imposed because the accused had refused to change ideologies. The Republic of Korea's national security laws should be abolished.

HAMID ANSARI (India) said that the Pakistani delegation was engaged in a rhetorical debate concerning Jammu and Kashmir. The accused was becoming the accuser, he said. Pakistan was the party responsible for stopping all assistance to the region.

SHAFQAT KAKAKHEL (Pakistan) said that the allegations regarding terrorism and Pakistan's supposed support of terrorism would be disproven by an objective investigation by the international community. Pakistan would not allow Indian atrocities. India persistently interfered in the internal affairs of all its neighbours and revealed its diplomacy to be ugly and merciless. Pakistan was not seeking any bilateral concessions from the Commission and it urged the Commission to send a fact-finding mission to Jammu and Kashmir.

NEELAM SABHARWAL (India) said that the Indian states of Punjab and Jammu and Kashmir were subjects of terrorist aggression. Pakistan was encouraging cross-border terrorism and was also sympathizing with the terrorists.

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United Nations

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CHILDREN 'TARGETS OF CHOICE' IN MODERN WARFARE, UNICEF TELLS COMMISSION ON HUMAN RIGHTS

GENEVA, 8 March (UN Information Service) -- In modern wars, children seemed to have become "targets of choice, in violation of the most basic norms of law and human decency", a representative of the United Nations Children's Fund (UNICEF) told the Commission on Human Rights this afternoon.

Stephen Lewis, speaking on behalf of James P. Grant, UNICEF's Executive Director, opened debate on the Commission's agenda item on the rights of the child by calling for special protection of girls and women during armed conflicts, and for a complete ban by the international community on the production, use, stockpiling, sale, and export of anti-personnel landmines. The devices, which were scattered by the millions through current and former war zones, were taking an increasing toll among children, Mr. Lewis said.

He was followed by numerous speakers representing member and observer delegations to the Commission who assailed the extent and damage caused by human rights violations affecting children. The representative of the United States noted that malnutrition was the fate of one third of the developing world's children and said it would be "naive" to claim that such problems with health and nutrition were not "closely linked to family size and women's access to contraception and family planning".

The delegate of Libya charged that the international embargo imposed on the country since 1992 had damaged the health of Libya's children, leading, in some cases, to death -- and to the deaths of mothers during childbirth. The observer for Malaysia said there was "a certain commonness" between the problem of the sale of children and the problem of drug abuse and illicit trafficking. Child labour, child prostitution and child pornography would not exist if parents were able to provide for their children, he claimed.

Kenya also cited underdevelopment and poverty as the root cause of abuses involving children. The Kenyan representative went on to say that "gloomy as it might sound, the imbalance in the standards of living and quality of life in general between the North and the South will continue to widen as parents in poor countries can hardly afford to lay the necessary foundation for their children".

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For information media—not an official record

After concluding debate on the subject, the Commission took up its agenda items on follow-up to the World Conference on Human Rights and on the drafting of a declaration on the right and responsibility of individuals, groups, and organs of society to promote and protect universally recognized human rights. Under the latter item, the Commission had before it a report of the working group on its ninth session (document E/CN.4/1994/81), which contains the draft Declaration as amended in the course of the second reading at that session.

Delegates of the following member countries made statements: Libya, United States, China, Malaysia, Romania, Australia, Ecuador, Syria, Mexico, Austria, Chile, Brazil on behalf of the Group of Latin American and Caribbean countries, Angola, Kenya, Indonesia, Iran, Cuba, Chile and Poland.

Observers from the following countries addressed the Commission: Sweden (on behalf of the Nordic countries), Philippines, Iraq, Morocco, Greece on behalf of the European Union, Spain, Egypt and Senegal.

Representatives from the following non-governmental organizations also spoke: World Organization against Torture, International Association for the Defence of Religious Liberty, Friends World Committee for Consultation, International Federation Terre des Hommes, International Confederation of Free Trade Unions (ICFTU), International Association of Educators for World Peace, World Federation of Methodist Women, Commission for the Defence of Human Rights in Central America, International Catholic Child Bureau, International Educational Development, International Lesbian and Gay Association, Latin American Federation of Relatives of Disappeared Detainees, Service, Peace and Justice in Latin America, and International Federation of Human Rights.

Brazil and Costa Rica spoke in right of reply.

Statement by UNICEF Representative

STEPHEN LEWIS, of UNICEF, hoped that the goal of universal ratification of the Convention on the Rights of the Child would be reached by the end of 1995, making the Convention the first law of all humankind. Meeting children's basic needs would help accelerate solutions to the main problems that vexed and threatened humankind, including poverty, overpopulation, and environmental degradation that bought instability and strife in their wake. Children were an extraordinary lever for global progress. The UNICEF urged the High Commissioner for Human Rights to give all due attention to children's rights protection under the law, to foster the recognition of their essential needs as fundamental human rights, and, in particular, to improve the status and well-being of girls and women.

The UNICEF welcomed the decision by the General Assembly to undertake a comprehensive study of the impact of armed conflict on children, he continued. In modern wars, children seemed to have become targets of choice, in violation of the most basic norms of law and human decency. Furthermore, girls and women were often the preferred targets of violence, with rape as a particularly vicious weapon of war. The international community should find ways to provide children and women with greater protection and relief.

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Furthermore, considering the increasing toll they were taking among children, the international community should adopt a total ban on the production, use, stockpiling, as well as the sale and export of anti-personnel landmines.

Economic exploitation and sexual exploitation of children continued to demand attention, for more and more children were becoming involved in hazardous work and prostitution. More that 100 million school-aged children were not in school -- 60 per cent of them girls. Society should mobilize to protect children from abuse and neglect, and provide them with learning, he said. Temporary sanctions should be applied in a manner in which children of poor families did not suffer most cruelly, and proposals for sanctions should include a "child impact assessment". The cruel war of poverty took the lives of 35,000 every day.

He said that the international community should, among other things, encourage States to submit detailed reports to the Committee on the Rights of the Child, with significant input from non-governmental organizations, sharpen tools for monitoring and measuring implementation of the Convention on the Rights of the Child and work to overcome the readily avoidable effects of poverty such as preventable disease, illiteracy, malnutrition and lack of clean water and sanitation over the balance of the decade. In so doing, they could lay the basis for overcoming poverty itself early in the next century, he concluded.

Statements

NAJAT EL HAJJAJI (Libya) said Libya placed particular emphasis on the rights of the child. The family, a crucial unit, should be protected through education, and personnel should be trained for children at every level. Each child in Libya had the right to protection, care, healthy food and good education. Children also had the right to be protected from ill-treatment and foreign invasion. Education was obligatory for the first nine years of study, and was free of charge. Libya was committed to respecting the Convention, except where it was in contradiction with Islam, in particular, regarding adoption. Libya was still suffering from the negative effects of the embargo begun in 1992. The embargo affected various aspects of life and had damaged the healthcare system leading, among other things, to the deaths of children and mothers during childbirth. The Commission should denounce as a policy embargoes and the freezing of assets that hindered human rights.

VIVIAN L. DERRYCK (United States) said that malnutrition was the fate of one third of the developing world's children. Three million children in the developing world would die from diarrhoeal diseases this year, a million and a half more would succumb to measles, and 250,000 would be blinded -- all for lack of vitamin A. It would be naive to claim that problems with children's health and nutrition were not closely linked to family size and women's access to contraception and family planning. War had killed a million and a half children over the past 10 years. For a long time, her country did not want to talk publicly about female genital mutilation, out of discomfort and deference

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to its long history in certain parts of the world, but now it was joining with women in many regions, specialized agencies and non-governmental organizations who had seized the issue openly and were working to end the practice.

Twenty per cent of the children in the United States lived below the poverty line, she continued, and the rate of immunization was among the lowest in the industrialized world. Far too many young people had far too much access to guns and drugs; far too many children live without two parents to nurture them. The United States recognized its shortcomings. Colombia, Oman, United Arab Emirates, Jamaica, Portugal, Egypt and Sri Lanka had lowered the death rate of their young children by 60 per cent or more since 1980, and countries like Mongolia and Viet Nam deserved note for the vast immunization programmes they had recently undertaken.

ZHAO YONG (China) said that the livelihood, protection and growth of children was a guarantee of social progress and a precondition for the future development of mankind. He was pleased to note that since the adoption of the Convention, the international community had carried out a great deal of work in implementing the Convention. On 4 September 1991, the first Chinese law specifically dealing with the protection of the child signalled that China's work in this area had entered a new period of legislative undertaking.

Under the law and other relevant regulations, it was illegal to engage in the employment of child labour, the sale of children and child pornography in China, he said. To prohibit effectively the sale of children and save the victims, the legislature had promulgated specific laws and defined the activities of the sale of children as a crime subject to punishment. Since ratifying the Convention on the Rights of the Child, the Government had always strictly abided by the Convention and fulfilled its obligations. China was a developing country, and its work for the livelihood and development of the child could not but be constrained by its level of economic development.

ZAKARIA MAT (Malaysia) said that the solution to the issues of the sale of children, child prostitution and child pornography included the need to increase international cooperation in the monitoring and the control of those phenomena, and to increase attention on the issue of social development. There was a certain "commonness" between the problem of the sale of children and the problem of drug abuse and illicit trafficking.

Furthermore, the exploitation of child labour, child prostitution and child pornography would not exist if parents were able to provide for their children for, in most cases, children were sold as a result of poverty brought about by unemployment and the lack of means for basic subsistence. The international community should continue addressing the larger issue of socio-economic development to ensure the gradual reduction of that problem. Although Malaysia was not yet a party to the Convention on the Rights of the Child, most of its provisions had already been long implemented through national policies, laws and practices.

SERGIU MARGINEANU (Romania) said economic problems affecting children did not spare developed countries, but were especially prevalent in developing

countries, and generally had the greatest effects on those most vulnerable. Special attention had to be given to children living under especially difficult conditions, such as street children and children in areas of armed conflict. International help was needed. There should be a working group to produce a draft convention on the sale of children, child prostitution and child pornography. Romania had recently established a national UNICEF committee and was discussing steps to improve protection of children within the country. Symposia, colloquia and meetings had been held throughout Romania. A national committee for the protection of children also had been formed. Efforts were being made to do more for abandoned children, refugee children, and street children.

RICHARD BUTLER (Australia) urged all States which had not yet done so to move as soon as possible to accept the obligations of the Convention on the Rights of the Child. Australia was working towards concluding a national plan of action for implementing the World Declaration on the Survival, Protection and Development of Children. Australia was preparing legislation to deal with the activities of Australian paedophiles overseas and those persons who incited, organized or profited from child-sex tourism. In addition, Australia was fostering the development of uniform state and territory criminal legislation to deal with the sexual abuse of children and associated activities such as child pornography. Australia endorsed the proposal from the Committee on the Rights of the Child to raise the minimum age of recruitment into the armed forces from 15 to 18 years of age by means of an optional protocol to the Convention.

FRANCISCO RIOFRIO (Ecuador) considered that the way in which a society treated its children was one of the basic indicators of its respect for human rights. The growing number of reservations by different countries to the Convention on the Rights of the Child was of concern. The marginal situations in which children lived were aggravated by poverty, migration from rural to urban areas, and unemployment. It was incumbent upon Governments to correct that state of affairs. The Special Rapporteur on the sale of children should examine the disturbing situation of the latter in the industrialized countries and take into account the fact that child prostitution was based on the demand originating in those societies. A study on measures to improve the protection of children in armed conflicts would be of great interest. In addition, the use of anti-personnel mines should be strongly condemned.

C. KAYALI (Syria) said protecting the rights of the child was a main priority for her country, encompassing education, health, economy and the environment. The health policy in Syria related to the fields of preventive medicine and the health of the mother and the child. Challenges included overpopulation; although the fertility rate had been reduced, it was still one of the highest in the world. There was a national campaign on the topic of family planning. Regarding education, 94 per cent of children went to school until at least the fifth level and efforts were being made to keep them in school longer. Public policy was geared towards prevention and instruction. Regarding the sale of children, prostitution and pornography, the main problem was the poverty on the part of the sellers. Syria supported the formation of a working group to investigate the sale of children.

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CLAUDE HELLER (Mexico) said that Mexico had set up machinery to monitor the implementation of its child-action programme. Child mortality rates had been reduced, and rates of serious childhood diseases had fallen. A great deal remained to be done, and so efforts would be stepped up, especially in the area of health services in remote areas and the provision of education. Mexico was gratified that all of the countries of Latin America had ratified the Convention on the Rights of the Child. All countries should accede to the Convention. Poverty-stricken children, street children, and children in regions of armed conflict needed further attention; they needed an effective response from the Commission.

GRAZYNA GORECKA (Poland) said that the Convention was an important step towards ensuring the rights of the child. Disappearances, the sale of children, and child pornography were important issues. Millions of children in developing and industrialized countries were subjected to violence, war and numerous human rights abuses. The main principle in the Convention was the higher interests and well-being of the child. The dignity of the child was trampled upon in many countries. Armed conflicts put children in a very precarious situation where they could become either victims and soldiers. Furthermore, age of conscription was often much younger than 15 years old in certain conflicts. The Convention was a challenge for all democracies to implementing the twentieth century. States should make education a priority. The Commission should create a forum to discuss violations of children's human rights with the mass media.

MICHAEL DESSER (Austria) said that in some countries, one in four children were affected by AIDS due to child prostitution, and younger and younger children were being used as people grew afraid of contracting the disease. Respect for the dignity of the child stood at the centre of the protection of human rights and, so far, 149 States had ratified the Convention on the rights of the Child. Reports presented on the status of children in the States parties were a very effective tool. States needed assistance to prevent the sale of children and child prostitution, for no State could end it alone. Transparency regarding agencies responsible for mediating adoption could eliminate the lucrative network of illegal adoptions. The effects of armed conflicts on children were a great cause for concern.

LUIS LILLO (Chile) said that organized crime was eager to make illicit profit from abuses of children if not restrained by the State. Serious poverty and low levels of culture and education created a supply, and on the other side was a demand of the most heinous sort for children. Intermediaries and customers had to be attacked and prosecuted. States had to act with speed and effectiveness. Many times children were handed over to their captors and exploiters by sheer virtue of their being so vulnerable. A better legal framework for fighting those crimes was needed, and also better economic and social development, as the burden of feeding and caring for the health of children was too heavy for those living in poverty. States must try to limit reservations to the Convention on Rights of the Child, must try to enforce the Convention in their countries, and must protect children from violations related to armed conflicts.

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ANA CANDIDA PEREZ (Brazil) said that the basic needs of children and of the family continued to be overlooked and were among the first to be sacrificed by programmes of economic adjustment in developed and developing countries. The Committee on the Rights of the Child should focus more sharply on the aspects of technical cooperation and other forms of assistance to States. Brazil had made great progress in protecting its children, including eradicating poliomyelitis in three years, reducing by more than half the number of births per woman and attaining the ideal goal for child immunization coverage. The fight against hunger comprised initiatives and programmes at the governmental and non-governmental levels. The main issue of concern was the problem of violence against street children, and the Government was determined to curb that problem. Cooperation between States, intergovernmental and non-governmental organizations for the prevention of the sale of children and related forms of child abuse and exploitation was essential.

JOSE D. QUIOSA (Angola) said that because of the civil war, there was a tragic problem with street children in Angola -- victims orphaned by violence, or left in abject poverty as refugees, or abandoned and lost in the chaos of violence. Diseases were causing a problem, although Angola hoped to make progress against them. Unfortunately, child mortality had increased because of the inhuman war. The opposing forces were waging a war of attrition, a scorched-earth policy, and children were among the first victims. Steps were being taken to care for orphaned children and street children. Other plans had been created, but those could be implemented realistically only once the hostilities had ended. Angola appealed to all countries of the world, and to non-governmental organizations, further to assist Angolan children.

NANCY C. KIRUI (Kenya) said that it was safe to assume, gloomy as it might sound, that the imbalance in the level of standards of living and quality of life in general between the poor and the rich countries, the North and the South, would continue to widen as parents in poor countries could hardly afford to lay the necessary foundation for their children. It was an open secret that many parents from developing countries could not even afford the basic necessities of life for their children, let alone education or health care. The major root causes that exposed children to the various forms of abuse was poverty, and if the rights of children, particularly those in developing countries, were to be fully realized, that had to be squarely addressed.

This forum rightfully had identified underdevelopment as stemming mainly from the unjust international economic order, she said. Still, poverty could not be accepted as a pretext for the exploitation of children. States must reappraise their national development strategies so as to ensure greater equity in income distribution and resource allocations in order to bring needy children and their families into the mainstream of the social and economic lives of their countries. States must promote law and policies, where none existed, to incriminate customers and intermediaries in cases of sexual and other forms of exploitation of children.

MAKMUR WIDODO (Indonesia) stressed that the Committee on the Rights of the Child was an instrument of dialogue in conformity with its basic

principles. As such, it should refrain from functioning as an investigative mechanism and, instead, should function as a reconciliatory body. The legalistic and selective approach pursued so far rendered its work counter-productive. Indonesia fully subscribed to the principle that education was the spearhead for the respect of children's rights. That was true for a country such as Indonesia, which remained burdened with the problem of illiteracy.

The general level of education in a country, especially the literacy level, was clearly correlated to the consideration given to the rights of the child in that same country, and the exploitation of child labour was a closely related factor. Although Indonesia never claimed that its current legislation was sufficient to ensure the implementation of the Convention, it was committed to its reform. For many developing countries, international cooperation and assistance constituted the main pillar of the implementation of the Convention on the Rights of the Child.

ELINOR HAMMARSKJOLD (Sweden), speaking on behalf of the Nordic Countries, said that the sexual exploitation of children was an abhorrent practice which must be unequivocally condemned and countered. Street children were particularly vulnerable to abuse. Problems such as female infanticide and so-called "traditional practices" harmful to the health of girls were serious violations of the rights of the child, and work to combat these violations should be intensified. The role of national action was crucial to the rights of the child in all countries.

The Convention on the Rights of the Child, like other human rights instruments, must be applied also in armed conflicts, she said. A draft resolution submitted to the Commission by Sweden, in collaboration with Greece, proposed that a working group elaborate a protocol to the Convention on the Rights of the Child as a matter of priority. The Nordic countries would continue to object to reservations to the Convention which were contrary to international law.

BERNARDITAS DE CASTRO-MULLER (Philippines) said that to protect the rights of the child, the Government had placed its priorities on poverty alleviation, sustainable development, achievement of peace and security, and responsible population management. Basic legal codes covering protection of children had long been in place in the Philippines, covering health, education, development and children in situations of armed conflict, those belonging to indigenous communities, and those subject to abuse, exploitation and discrimination.

The Philippines particularly welcomed the moves by countries in Western Europe, notably Norway, Sweden and Germany, against criminal acts committed by their nationals outside their territories, she said. International cooperation was badly needed to remedy increasing internalization of the unspeakable crimes against children, affecting their physical well-being and their moral dignity. A massive information campaign on the Convention was launched in the Philippines to raise awareness and to obtain the full cooperation of the people in its implementation.

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MUNIM ALKADHI (Iraq) said that the country had made every possible effort to promote the well-being of children and had made much progress. Before the aggression imposed on it, Iraq, in its treatment of children, had reached the level of developed countries. The bombing of Iraq and the international embargo of the country had damaged children in ways that contravened international human rights instruments. Some 50,000 were killed in bombings and rocket attacks, and deaths of children before the age of five had increased. There were nutritional problems and health problems caused by the blockade, as well as shortages of hospital equipment. The United States did not seem to be aware that the victims of that policy were children and their mothers. The Commission must act to stop the embargo.

MINA TOUNSI (Morocco) observed that 80 per cent of the victims of armed conflicts were children and women. Poverty led to underage labour or to worse abuses, such as child prostitution and pornography and the sale of children's organs. International instruments remained a dead letter if States did not take practical steps to reduce the dangers facing its children. Morocco had made considerable efforts to improve the health and education of its children. Rates of mortality for children under five had fallen. Steps were being taken to protect abandoned children and to protect children of couples undergoing divorce.

EMMANUEL MEGALOKONOMOS (Greece), speaking on behalf of the European Union, said that the Union was aware of the many root causes in society which led children to find themselves in exceptionally difficult circumstances - poverty, armed conflict and unemployment. The European Union continued to be particularly concerned about the widespread phenomenon of street children and alarmed at continuing reports of the killing of and violence against them. All Governments must bring to justice those responsible for offences against street children.

The Union remained deeply concerned at the plight of children affected by armed conflict, he said. The indiscriminate use of landmines was particularly abhorrent; children were all too often used as human mine detectors, and even after the conflict was over continued to be the victims of unremoved mines. Political will continued to be needed to confront the particularly abhorrent human rights violations in traffic in children and children's organs, child prostitution and child pornography. There must be no hinding place for those who perpetrated those crimes.

JUAN GONZALEZ DE LINARES, of the World Organization against Torture, said that the list of serious human rights violations committed against children was endless. Another particularly serious issue was that of child soldiers and the recruitment of children into armed forces or groups. In Iran during the eight year war with Iraq, thousands of children were enlisted in armed combat, some of them very young and many abducted from the streets and enrolled by force. They were sent in droves to roam mine fields thereby "clearing" the ground to make way for tanks.

In Myanmar, the régime and the army made use of children in their fight against resistance movements, he continued. In Liberia, very young children

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had been used in Charles Taylor's army, as well as by opposition groups. Children had been recruited into armed conflicts, both international and civil, by Government forces and opposition groups, in other parts of the world including, Cambodia, Afghanistan, Angola, Mozambique, Sudan, Guatemala, El Salvador, Peru and the former Yugoslavia, to give a far-from-exhaustive list. The long-term effects of their involvement had already been demonstrated for many of the "lost generations" in places like Lebanon, Northern Ireland, and Israel and the occupied territories.

ANNIGJE BUWALDA, of the International Association for the Defence of Religious Liberty, said that a Norwegian Government report to the Working Group on Slavery estimated that 1 million children a year were forced into the sex market, including many in Brazil, Viet Nam, Thailand, Taiwan, Philippines and Sri Lanka. Where child prostitution was fuelled by tourism, there was a lack of cooperation between tourist-sending and tourist-receiving countries. A confidential undercover operation by the United States Navy Investigative Bureau revealed that children as young as four years of age had been sold for sex to United States sailors stationed in the Philippines.

Solving child prostitution required a multi-faceted approach, she said. Anti-poverty strategies were needed. The United Nations must give immediate and urgent priority to eliminating child prostitution; devote further resources to solving that issue, including assistance to appropriate countries; implement programmes to combat child prostitution; create practical mechanisms for ensuring the adherence by States parties to the Convention on the Rights of the Child; and focus international pressure on countries which failed to take urgent and effective action against child prostitution.

RACHEL BRETT, of the Friends World Committee for Consultation, said that a recent survey suggested that children were currently involved in governmental or opposition armed forces in 38 countries. Her organization had already expressed its abhorrence of the widespread involvement of children in military training and armed conflicts. Since then, they had campaigned for improved international standards and mechanisms to reduce and eventually eliminate the use of children in armed forces. Of the 188 countries listed in the appendix to the study on Child Soldiers for the Henry Dunant Institute, only nine had a legal age of conscription below 18 years.

The Convention on the Rights of the Child set 15 years as the minimum age for recruitment, she said.. However, raising the international standard applicable to the minimum age of recruitment would not, in itself, solve the problem. It would also be necessary for the Committee on the Rights of the Child to be vigilant, when examining reports from States parties, in ascertaining the law and practice of States in relation to recruitment, including voluntary participation, and what penalties could be and were applied to those who conscripted minors or allowed them to participate in hostilities.

MARIE-HELENE JEANMONOD, of the International Federation Terre des Hommes, said that streets were not the place for the natural development of a child, but some 100 million lived there. The causes -- economic crisis, poverty,

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breakup of families, and so forth -- were hard to eradicate. Europe was not immune to the problem. In Budapest, street children formed gangs to carry out thefts, and were manipulated by organized crime. The train station in Bucharest, Romania, was filled with street children. In Finland, there were 100 to 200 such children. Street children were legion in Azerbaijan. There were hundreds of thousands in Latin America. In Colombia, there was extensive violence against those children by death squads concerned with "cleansing" cities -- especially small cities -- of them. States must not allow that; all must immediately focus on solving that problem.

DAN CUNNIAH, of the International Confederation of Free Trade Unions (ICFTU), said that over 100 million children under the age of fifteen, according to figures provided by the International Labour Organisation (ILO), were working, and their number was growing. The active participation of trade unions was a key factor for combating and eliminating child labour. There were also problems with the informal sector. Children also could be found working in such industries as glass, metal works, textiles, mining, fireworks manufacturing and chemicals. Child labour should be considered in the broader framework of social and economic policies.

The most effective solution was the provision of free access to basic education, he said. In India, Pakistan and Nepal, the three main exporters of traditional handmade carpets, some 50 to 70 per cent of the workforce in the carpet industry were under the age of fourteen. The ICFTU was working very closely with several non-governmental organizations in the region to establish a label marking carpets that were not produced by children and in launching an international consumer boycott of carpets made by children.

WILDA SPALDING, of the International Association of Educators for World Peace, said that children remained the vulnerable victims of all abuses. The cases of child abuse were more alarming than ever. The soul and conscience of the adults should dispose more efforts to implement positive solutions to that problem which was worsening each day. She asked what the feeling of men and women would be if their own children were maltreated by others and urged greater vigilance and comprehension towards children. She also stressed the need for the implementation of new measures that could restore the dignity and the human rights of the child. Amongst the panoply of horrors that continued to be perpetrated upon children was the allegation of removal of their organs. The removal of organs or other life fluids from children without their consent for sale to another was a heinous crime against humanity.

RENATE BLOEM, of the World Federation of Methodist Women, speaking on behalf of 19 other non-governmental organizations, said that the girl child still had unequal access to education, nutrition and health, and suffered discrimination as a result of other emerging issues. Governments should be urged to eliminate, in cooperation with non-governmental organizations and other United Nations bodies, all forms of discrimination against girl children, to ensure equal access to nutrition, health and education, thus equipping them for adult life and employment; to give support to parents and help reduce the

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economic, social and political pressures which led to child prostitution and pornography, traffic of organs and all other forms of economic and sexual exploitation which currently were affecting millions of girl children.

Furthermore, she said, they had to recognize that girls, in particular, were the victims of physical, sexual and mental abuse, within the family and in society as a whole; to establish appropriate national mechanisms to provide assistance to victims, and by ascertaining the causes, to prevent and eliminate that abuse and violence; to be aware of the harmful traditional practices which affected the health and well-being of the girl child; and to address the specific needs of the girl child in all vulnerable groups, in particular, refugees, migrants and those in areas of armed conflict.

VILMA N. DE ESCORCIA, of the Commission for the Defence of Human Rights in Central America, said that the situation of children in the region was precarious and high-risk. Many found their food in dustbins, lived on the street, or began to work at a very young age to help support their families. Physical and sexual aggression were frequent and must be denounced. More than 90,000 children died each year in Central America due to weak or non-existent health programmes -- many of preventable diseases. Economic pressures denied far too many from receiving educations. Education budgets even in Costa Rica were reduced year after year. Sale of children's organs was on the increase. Extreme poverty stunted the lives of thousands of children and left them vulnerable to sexual exploitation, institutionalized violence, and abduction into the armed forces.

FLORENCE BRUCE, of the International Catholic Child Bureau, speaking on behalf of eight non-governmental organizations, said that the Bureau had examined the way in which 21 States had reported on the implementation of the Programme of Action of the Subcommission. She was sure member States had been content to list the laws that were available in their country or laws that would soon be on the statute books. While more States needed to be encouraged to report on their implementation of the Programme of Action, mention should be made of the need to report on all aspects of the Programme and not just on the section concerning legal aspects.

She supported the recommendations of the Special Rapporteur in which he stressed the need for an independent monitoring body at the national level to seek out reliable information, to recommend a national strategy on sale of children and sexual exploitation and effectively to translate international law into national level programmes. Much had already been put in motion around the world on the issue of sale and sexual exploitation of children stimulated by a natural abhorrence of those contemporary forms of slavery and by the work of the Commission in recent years. But a high-level forum where the existing instruments could be implemented effectively through improved international cooperation on those issues was needed.

KAREN PARKER, of the International Educational Development Humanitarian Law Project, said that there was profound concern about the use of the drug AZT, especially with children, as a treatment for asymptomatic people testing HIV positive. In spite of those and other findings, a number of European

countries planned to carry out testing of AZT on babies and young children born to asymptomatic mothers. There was now an officially affiliated group comprising over 150 experienced scientists and researchers all of whom believed that the HIV-AIDS hypothesis, use of AZT, and other theories of HIV lacked scientific credibility.

Forced sterilization of underage girls was also a growing phenomena, she said. There were credible reports from Tibet indicating forced sterilization, as well as forced abortion of fetuses claimed to be imperfect, and forced sterilization also was occurring in Indonesian-occupied Malukum starting on girls aged ten. In Bhutan, children were punished because of the faith of their parents. Moroccan children also had suffered because of the beliefs of their parents, notably those of former Interior Minister Oufkir. In Bougainville, children born after 1989 had not had any of the basic immunizations due to the blockade against the Bougainville people.

MINA MIRBAHA (Iran) said that over 180 million children, or one child out of three, suffered acute malnutrition. The number of girls was twice that of boys. The number would increase to 600 million by the end of the century. Two major causes were escalating population growth and the lack of justice and equality existing in global distribution and consumption of foodstuff. Iran urged other countries to join in a truly global action plan for children. So many of today's issues were transnational and had a rippling effect across borders. Iran was among those countries that had prepared a National Plan of Action. Development could only be achieved if priority was given to the needs and rights of children, and those were all achievable by Governments if political will, efficiency, experience and social consciousness prevailed.

JOSE PEREZ NOVOA (Cuba) said that the Commission must show its firmest determination to eradicate such practices as the sale of organs, child prostitution, and child pornography. Not enough time had been set aside for debate and analysis of that important subject. The problems were reaching alarming levels. The radical solution was to confront the causes that produced all that, leaving aside rhetoric and acting together -- against poverty, structural adjustment imposed by international financial institutions, discrimination, and extensive military budgets. While those who suffered tended to live in the South, the beneficiaries of the abuses tended to live in the North. But now, such practices were occurring against children in Eastern Europe and Russia, as well. The Commission's action in that field had not lived up to expectations.

MOUNIR ZAHRAN (Egypt) affirmed that his country was among the first ones to have accorded special attention and priority to children in all spheres and development projects. Laws protected the well-being of children and promoted their physical and mental development. A bill had already been enacted limiting the working age of children to fourteen. Child exploitation was forbidden by law, and its application was closely examined by the Government. All the necessary measures were also taken by the Government to ensure that the international conventions pertaining to the child were fully implemented in the society. Egypt was actively participating in the international venues by contributing to projects aimed at promoting the rights of the child.

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IBRA DEGUENE KA (Senegal) said that children still remained disadvantaged, vulnerable and, in some parts of the world, abandoned to their own fate. Their plight called upon the conscience of mankind. The Convention on the Rights of the Child must be implemented, not just ratified. It was time to acknowledge the connection between the problems suffered by children and the economic situations of their families and countries. The international community must respond and employ all means available to halt the barbarous practices against children -- specific measures were needed. All United Nations bodies should be involved to a greater extent and in a coordinated manner.

DOUGLAS SANDERS, of the International Lesbian and Gay Association, said that there was no scientific basis for asserting that paedophilia was any more common among homosexuals than among heterosexuals. His association had opposed paedophilia as exploiting age and power differences. Every child had the right to protection from sexual exploitation and abuse, including protection from prostitution and involvement in pornography. It was fairly common for lesbians and gay men to have children, either from previous heterosexual marriages or through the use of alternative insemination techniques.

It was a terrible experience when lesbians and gay men found that their custody of or access to children had been challenged, he said. The question whether they were "suitable" parents would be judged by administrative or judicial authorities. In the past, such judgements had often been blatantly discriminatory, though attitudes were changing in many parts of the world. A United States Government report in 1989 on youth suicide had concluded that because lesbian and gay youth faced a "hostile and condemning environment, verbal and physical abuse, and rejection and isolation from families and peers", young lesbians and gays were two to three times more likely than other young people to attempt suicide.

MARGARITA ALEMAN, of the Latin American Federation of Relatives of Disappeared Detainees, said in Brazil there were daily reports of abuse of street children of both sexes, and members of the police were sometimes reported to be involved in death squads. In Peru and Colombia, apparently the sale of children's organs occurred, although prosecution was difficult because of lack of evidence. In El Salvador, children were involved with drugs. In Honduras, children had disappeared, apparently for trade in organs. Children suffered terribly under the military dictatorship in Haiti. The international community must require the dictatorship to restore democracy. In Kurdistan and Iran, children suffered numerous violations of their rights, including widespread loss of their right to education.

RICHARD CHANGALA, of Service Peace and Justice in Latin America, said that the situation of children in Latin America was distressing. According to the reports by UNICEF, in Argentina, thousands of children were engaged in the fields where they were compelled to work for long hours per day. The child mortality had also risen high. Similar practices were taking place in most

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Latin American countries. In many cases, national legislation did not protect the rights of the child. Detentions for juvenile delinquency was also widely practised in those regions where no legal provisions existed to protect them.

Rights of Reply

GILBERTO VERGNE SIBOIA (Brazil) said he was surprised at the statement made by the United States and disagreed with it. To single out Brazil as a country that neglected its children was not only false, it also contradicted the opinion of UNICEF and other authoritative international sources. The allegation that children in Brazil were hunted for sport was totally unacceptable and showed a lack of information and objectivity on the part of the United States delegation. The United States had not the necessary authority to use such peremptory language in reference to other countries. As the Director of UNICEF had noted, 20 children a day were dying of gunshot wounds in the United States and the condition of minority children such as African-Americans and Hispanics there was comparable to that of some less-developed countries.

JAVIER RODRIGUEZ ALPIZAR (Costa Rica) regretted that one non-governmental organization had referred to supposed irregularities in child protection in his country. In 1992, the report on child development had given a high rating to his country. Allocations for child education were a priority in Costa Rica. According to Costa Rican law, all citizens above a certain age had to respect the laws. The non-governmental organization was misinformed without attempting to obtain additional clarification.

Statements on World Conference, Draft Declaration

Mr. DESSER (Austria) underlined that the Vienna Declaration and Programme of Action was a forward-looking, action-oriented document. It spelled out not only the basic principles in the field of the promotion and protection of human rights, but also a comprehensive Programme of Action containing numerous important recommendations to be carried out by States, the United Nations and other international, national and non-governmental bodies. It established the important interrelationship between development, democracy and human rights and underscored the obligation of States to take concerted action in order to protect particularly vulnerable groups. The Declaration stressed the need to fight all forms of racism, discrimination, xenophobia and all forms of intolerance. It also affirmed the importance of the protection and promotion of persons belonging to minorities.

Mr. SIBOIA (Brazil), speaking on behalf of the Group of Latin American and Caribbean countries, said that follow-up to the World Conference would require sufficient financial resources. The secretariat should provide member States with a detailed picture of the needs of the system, so that Governments could see how much was needed. Also, restraint must be exercised in appointing new rapporteurs so that the existing rapporteurs had the resources to carry out their work. The existing rapporteurs were embarked on projects of proven worth and long-standing concern. The question of the establishment of a permanent forum for indigenous populations should be considered. The

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rights of women must be effectively respected worldwide. The Group of Latin American and Caribbean countries shared the view that war crimes and crimes against humanity should entail punishment at the international level, and that adequate procedures should be developed.

ZHANG YISHAN (China) said there was a need to have a comprehensive and precise understanding and interpretation of the Vienna Declaration and Programme of Action. All the recommendations and outcomes of the Conference should be given equal attention and overall implementation. One-sidedness and stressing one part while neglecting others should be avoided. Strengthening of international cooperation in human rights should be based on the purposes and principles of the Charter and on the principle of equality and mutual respect among all countries. In that way, countries with different political, economic and social systems, as well as with different religious and cultural backgrounds, could join each other and contribute to the universal realization of human rights. The practices of creating confrontation and imposing one's own views on others should not be followed.

FELIPE PORTALES (Chile) said that it was necessary to increase the resources set aside for human rights activities, and that those resources should be used more efficiently. The matter of minority rights deserved special priority. A permanent forum for indigenous peoples was an idea that deserved support -- a debt was owed to those peoples. Furthermore, the rights of women -- half of the world's population -- had long been subordinated and must receive extra attention now. Punishment for those who committed war crimes was important. Chile supported establishment of the Tribunal on war crimes in the former Yugoslavia, as well as the establishment of an international court to try war crimes throughout the world.

GIANFRANCO ROSSI, of the International Association for the Defence of Religious Liberty, said that despite declarations, massive human rights violations were occurring all over the world. It was thus necessary to intensify the activities of the international community. If the protective instruments remained theoretical, then the rights risked becoming dead letters. The international community had to assume the task of protecting rights when States were unwilling or incapable of doing so. There were countries which violated basic human rights without any intervention by the international community. That was the case with Saudi Arabia, especially with regard to the rights of migrant workers and women, who had even less freedom. The Vienna Declaration was a turning point, an historical event in the struggle for the respect of human rights.

Mr. SANDERS, of the International Lesbian and Gay Association, said that three lesbian and gay organizations had been accredited to the Vienna Conference. Vienna, therefore, marked the first time in the history of the United Nations that lesbians and gay men were able to speak in the names of their own organizations. In Vienna, five Governments had raised concerns with the human rights of lesbians and gay men in their statements in the plenary session or in the main committee: Australia, Austria, Canada, Germany and the Netherlands. Vienna was the "start of a process". The international community must remember that in any planning "beyond Vienna". It was

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particularly appropriate for that to be remembered in 1994, the twenty-fifth anniversary of the "Stonewall riot" in New York City which marked the beginning of the modern international lesbian and gay liberation movements.

ANDRZEJ RZEPLINSKI (Poland) said that the preparation of the draft Declaration aimed at strengthening the position of human rights defenders had already taken seven years. The protection of human rights defenders was indispensable for a universal culture of human rights. It was not really difficult to have excellent provisions in book law, but much more difficult to have good law in practice. The Declaration should provide all interested subjects with a framework of cooperation between public agencies and non-governmental organizations acting in human rights.

He regretted that steps to limit the participation of non-governmental organizations in activities of the United Nations were not exceptional. It was vital that the draft Declaration establish proper frames for non-governmental organization activities, including a free but accountable raising of funds. In spite of the responsibility of individuals and groups, it was the State which was vested with the primary and ultimate responsibility for creation and effective functioning of institutions and procedures for the promotion and protection of human rights and freedoms.

HAYTHAM MANNA, of the International Federation of Human Rights, speaking on behalf of eight other non-governmental organizations, said the draft Declaration must be speedily completed and adopted, to grant human rights defenders an effective instrument to help protect them. The non-governmental organizations felt profound concern over several proposed amendments. They strongly deplored that those amendments completely contradicted the commitment entered into at Vienna. The amendments could lessen the level of protection to something below current international standards. Human rights defenders could lose a great deal. The non-governmental organizations awaited a frank and non-ambiguous indication of the will of the Commission to attain the objective of a true and useful Declaration as soon as possible. The purpose of the Declaration was not to protect States, but individuals fighting for human rights.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/555
10 March 1994

HUMAN RIGHTS COMMISSION ADOPTS NINE MORE RESOLUTIONS

Includes Texts Concerning Cuba, Former Yugoslavia; Chairman Makes Statements on Romania, Sri Lanka and East Timor

GENEVA, 9 March (UN Information Service) -- The Commission on Human Rights this morning, nearing the end of its fiftieth session at Geneva, acted on nine more draft resolutions, two of which addressed the situation of human rights in Cuba and in the territory of the former Yugoslavia. Other draft texts were concerned with: contemporary forms of racism; mass exoduses; internally displaced persons; civil defence forces; human rights and the environment; advisory services; and cooperation with representatives of United Nations human rights bodies.

The resolution on Cuba called upon that Government to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba. It expressed particular concern that the Government had failed to carry out its commitment to cooperate with the Commission and also expressed concern at prevailing intolerance for freedom of speech and assembly in that country. This resolution was adopted by a roll-call vote of 24 in favour to 9 against, with 20 abstentions.

In the resolution on the former Yugoslavia, the Commission deplored and condemned the continual refusal of the Bosnian Serb authorities to permit the Special Rapporteur to conduct investigations in the territory under their control. It demanded immediate, firm and resolute action by the international community to stop all human rights violations, and it recognized that the systematic practice of rape, used as an instrument of war against women and children and as an instrument of "ethnic cleansing", constituted a war crime.

In other action, the Commission requested the Special Rapporteur concerned to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against blacks, Arabs and muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance. Concerning human rights and the environment, it recognized that environmental damage had potentially negative effects on human rights and the enjoyment of life, health and satisfactory standard of living; and reiterated that the right to

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development should be fulfilled so as to meet development and environmental needs of present and future generations.

Under a resolution on human rights and mass exoduses, the Commission strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements and urged States to take all necessary measures to ensure respect for human rights, especially the rights of persons belonging to minorities. In another resolution, the Commission urged Governments to refrain from all acts of intimidation or reprisal against those who sought to cooperate with representatives of United Nations human rights bodies.

The Chairman of the Commission, Peter van Wulfften Palthe, delivered statements of the Commission relating to the situation of human rights in Romania, Sri Lanka and East Timor. Among other things, he welcomed the further steps taken by the Government of Romania to establish a democratic system of government based on respect for human rights; acknowledged the programme of work and commitments outlined by Sri Lanka to promote human rights in that country; and expressed the Commission's concern over continuing allegations of human rights violations in East Timor.

Action on Resolutions

Under a resolution on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Commission welcomed the Special Rapporteur's proposal concerning the organization of an interdisciplinary seminar on the problems of the theoretical aspects and specific manifestations of these phenomena. It also encouraged the Special Rapporteur, in close consultation with Governments, relevant organizations of the United Nations system and other intergovernmental organizations, to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination, xenophobia and related intolerance.

It regretted that the Special Rapporteur had encountered difficulties in preparing his first report, owing to the lack of necessary resources and requested him to examine according to his mandate incidents of contemporary forms of racism, racial discrimination, any form of discrimination against blacks, Arabs and muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance as well as governmental measures to overcome them, and to report on these matters to the Commission at its fifty-first session.

Concerning human rights and environment, the Commission reiterated that the right to development should be fulfilled so as equitably to meet developmental and environmental needs of present and future generations; and recognized that environmental damage had potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living. It recalled that everyone had the right to enjoy the benefit of scientific progress and its application and called for international cooperation to ensure that human rights and dignity were fully respected in that area of universal concern; endorsed the request of the Subcommission on

Prevention of Discrimination and Protection of Minorities to Fatma Zohra Ksentini to prepare a final report on "Human rights and the environment" with conclusions and recommendations, including the follow-up by the Commission of her work.

As to human rights and mass exoduses, the Commission strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities; and called upon Special Rapporteurs, Special Representatives and Working Groups studying situations of violation of human rights to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home.

It encouraged the States that had not already done so to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; and urged the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian areas for the purpose of ensuring that effective action was taken to identify all human rights abuses which contributed to mass outflows of persons.

Under a resolution on civil defence forces, the Commission recommended that whenever armed civil defence forces were created to protect the civilian population, Governments establish, where appropriate, minimum legal requirements for them, within the framework of domestic law, including the following: recruitment into them should be voluntary and should be effectively controlled by public authorities; civil defence forces and their commanders should be clearly accountable for their activities; and offences involving human rights violations by such forces shall be subject to the jurisdiction of the civilian courts.

Concerning internally displaced persons, the Commission encouraged the Representative of the Secretary-General, through dialogue with Governments and all intergovernmental and non-governmental organizations concerned and, in accordance with his mandate, to continue his review of the needs for protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms, the root causes of internal displacement, prevention and long-term solutions, taking into account specific situations.

It called upon all Governments to continue to facilitate the activities of the Representative and encouraged them to give serious consideration to inviting him to visit their countries, so as to enable him to study and analyse more fully the issues involved; and urged concerned United Nations agencies to provide to the Representative all necessary information, and called upon him to propose ways and means of setting up a more coherent system of data collection on issues related to the situation and protection of internally displaced persons.

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In a resolution on advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Commission invited competent United Nations treaty bodies, Special Rapporteurs and representatives, as well as Working Groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services; again requested the Secretary-General to allocate more human and financial resources for the enlargement of advisory services, within existing overall United Nations resources in a manner with other development objectives; and underlined that any assistance through technical cooperation in human rights under the Voluntary Fund had to be well prepared, and that there should be a regular and sustained follow-up between the involved national bodies and the Centre for Human Rights.

Furthermore, it urged the Board of Trustees to review the existing project guidelines with a view to improving orientation for Governments requesting advisory services, and establishing clear criteria for selecting and defining priorities for projects; requested the Secretary-General, through the High Commissioner for Human Rights, to explore further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies and other organizations of the United Nations system, as well as non-governmental organizations, including arrangements where needs identified by the Centre were met by projects for which such other bodies and organizations took full responsibility for financing and implementation of the project; and encouraged in particular the cooperation between the Centre for Human Rights and the United Nations Development Programme.

Under a resolution on cooperation with representatives of United Nations human rights bodies, the Commission urged Governments to refrain from all acts of intimidation or reprisal against (a) those who sought to cooperate or had cooperated with representatives of United Nations human rights bodies, or who had provided testimony or information to them; (b) those who availed or had availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who had provided legal assistance to them for this purpose; (c) those who submitted or had submitted communications under procedures established by human rights instruments; and (d) those who were relatives of victims of human rights violations.

It requested all representatives of United Nations human rights as well as treaty bodies monitoring the observance of human rights to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way; and to help prevent the occurrence of such intimidation and reprisals.

Concerning the situation of human rights in Cuba, the Commission called upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba; expressed particular concern that the Government had failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter; and regretted profoundly the numerous unanswered reports of violations of basic

human rights and fundamental freedoms that were described in the report of the Special Rapporteur, and expressed particular concern at prevailing intolerance for freedom of speech and assembly in Cuba.

It called upon the Government to carry out the eight measures recommended in the report of the Special Rapporteur to bring the observance of human rights and fundamental freedoms in Cuba up to universally recognized standards; and extended the mandate of the Special Rapporteur for one year.

JOSE NOVOA PEREZ (Cuba), explaining his vote before the vote, said that once again there was a draft resolution sponsored by the United States reflecting immoral manipulation of human rights issues. It was frustrating to see the United States taking the position of accuser, year after year. The resolution was full of false suppositions about the situation in Cuba and had absolutely nothing to do with legitimate efforts to advance human rights. The same country that enforced a blockade against Cuba could hardly be allowed to sponsor human rights resolutions against Cuba. How could Cuba cooperate with such a country, which was leaving Cuba to starvation? Cuba would vote against the resolution. The Cuban people would continue to develop the rights of which many other countries were envious. The Government had decided to invite a group of Nobel Prize winners to visit the country. Cuba was eager for honest, genuine dialogue on human rights. Cuba was a sovereign country that had the right to choose its own path forward.

The resolution was adopted by a roll-call vote of 24 in favour to 9 against, with 20 abstentions.

In a resolution on the situation of human rights in the territory of the former Yugoslavia: violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), the Commission deplored and condemned the continual refusal of the Bosnian Serb authorities to permit the Special Rapporteur to conduct investigations in the territory under their control; condemned categorically all violations of human rights and international humanitarian law by all sides and, while recognizing that primary responsibility for most of these violations was borne by the leadership in territory under Serb control and the political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro), noted that violations had been committed by all of the parties to the conflict.

The Commission demanded immediate, firm and resolute action by the international community to stop all human rights violations, including "ethnic cleansing"; condemned all deliberate impeding of the delivery of food, medical and other supplies essential for the civilian population; condemned the attacks on and continuous harassment of the United Nations Protection Force and on personnel working with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations; expressed its outrage that the systematic practice of rape continued to be used as a weapon of war against women and children and as an instrument of "ethnic cleansing"; and recognized that rape in those circumstances constituted a war crime.

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It urged all States and responsible authorities to cooperate with the efforts of the International Tribunal, including by the provision of substantiated information and the apprehension of persons accused of violations of international humanitarian law for trial in cooperation with the Tribunal and in accordance with internationally accepted norms of due process; strongly condemned the measures and practices of discrimination against and the violations of the human rights of the ethnic Albanians of Kosovo; expressed its grave concern at the Special Rapporteur's reports of violations of human rights in the Sandjak; demanded that the Federal Republic of Yugoslavia (Serbia and Montenegro) permit entry into Kosovo, the Sandjak and Vojvodina of United Nations observer missions and field officers of the Special Rapporteurs.

In addition, it expressed its continued concern that, despite the considerable decrease in violations of international humanitarian law in Croatia, there continued to be serious human rights violations and patterns of discriminatory treatment against minority groups, as well as arbitrary practices on the part of the Croatian authorities; noted with appreciation the observations of the Special Rapporteur regarding the further improvement of the human rights situation in Slovenia and decided that Slovenia should be excluded from the mandate of the Special Rapporteur; and decided to extend the mandate of the Special Rapporteur for one year.

Chairman's Statements on Romania, Sri Lanka and East Timor

The Commission, in a statement by the Chairman, welcomed the further steps taken by the Government of Romania to establish a democratic and pluralist system of government based on respect for human rights and the rule of law and its commitment, manifested, among other things, by its accession to the Council of Europe, to fulfil the obligations under the international conventions and instruments to which it was a party. It noted the will of the Government to overcome remaining shortcomings as regards the implementation of constitutional and legislative rules by national and local authorities. It requested the Secretary-General to present to the fifty-first session of the Commission a final evaluation of the fulfilment of the programme of advisory services and invited the Government to provide the necessary information to that effect.

In a statement acknowledging the statement by the delegation concerning the human rights situation in Sri Lanka, the Chairman said the Commission welcomed the Government's continuing cooperation with it. The Government of Sri Lanka had outlined a programme of work to be implemented in the course of the coming year which included commitments to: the further revision of the Emergency Regulations, the promotion of accountability through the vigorous undertaking of investigations and institution of prosecutions against human rights violators; taking all possible steps to prevent injury to civilians in the course of military operations; and implementation of the recommendations made by the Working Group on Disappearances. The efforts of the Government to arrive at a negotiated political settlement to the problems in the north and the east of the country should be encouraged.

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In a statement on the situation of human rights in East Timor, the Chairman said the Commission noted with concern continuing allegations of human rights violations in East Timor, while recognizing the positive measures taken by the Government of Indonesia to improve the situation. A matter of preoccupation to the Commission was the incomplete information concerning the number of people killed and the persons still unaccounted for as a result of the violent incident in Dili of 12 November 1991. The Commission expressed the hope that the cooperation between the International Committee of the Red Cross and the Government of Indonesia would continue. It called upon the Indonesian authorities to ensure that those East Timorese in custody were treated humanely and that their rights were fully respected, and to take further appropriate measures aimed at early release of those convicted.

The Commission welcomed the undertaking by the Government of Indonesia to invite the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to visit East Timor and to submit his report to its fifty-first session. In the same spirit, the Commission took note of the intention of the Government to continue to cooperate with other relevant thematic Special Rapporteurs and/or Working Groups, and to invite them to visit East Timor when necessary for the fulfilment of their duties.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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14 March 1994

COMMISSION ON HUMAN RIGHTS ADOPTS RESOLUTIONS ON IRAQ, HAITI AND FORMER YUGOSLAVIA

Proposes Establishment of Working Group on Sale of Children

GENEVA, 9 March (UN Information Service) -- The Commission on Human Rights this afternoon adopted 23 resolutions, including numerous texts relating to the question of human rights violations in any part of the world. In a resolution on Iran, the Commission expressed its deep concern at reports of violations of human rights, including the continued use of the death penalty.

Regarding the situation in Iraq, the Commission strongly condemned the massive violations of human rights perpetrated by the Government, expressed alarm at all internal embargoes which prevented food and medical supplies from reaching citizens, and demanded that the Government cease shelling agricultural lands belonging to the Iraqi Kurds.

In a resolution on Haiti, the Commission condemned the overthrow of the constitutionally elected President and expressed its conviction that the full implementation of the Governors Island Agreement was the only way to resolve the crisis.

The Commission also strongly condemned the policy of genocide, "ethnic cleansing" and other human rights abuses in Bosnia and Herzegovina and demanded firm action by all concerned to end the violations. In another resolution, the Commission expressed its outrage at the practice of rape and abuse of women as a weapon of war in the former Yugoslavia.

The Commission adopted resolutions on the human rights situations in Kosovo, Togo, Sudan, southern Lebanon, Myanmar, Burundi, Zaire and Angola. In a roll-call vote, the Commission chose not to take action on a draft resolution on the human rights situation in China, which would have expressed concern over continuing reports of human rights violations. Pakistan withdrew a proposed resolution on Jammu and Kashmir, which expressed concern about gross abuses of human rights.

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For information media--not an official record

In a resolution on the rights of the child, the Commission decided, subject to approval of the Economic and Social Council, to set up an open-ended intersessional working group of the Commission responsible for elaborating guidelines for a possible draft convention on the sale of children, child prostitution and child pornography.

A resolution was also adopted on the follow-up to the 1993 World Conference on Human Rights, which was held at Vienna last June.

Action on Resolutions

Under a resolution on the situation of human rights in Iran, the Commission expressed its deep concern at continuing reports of violations of human rights in Iran; expressed its concern at the high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, the standard of the administration of justice, the absence of guarantees of due process of law, discriminatory treatment of certain groups of citizens for reason of their religious belief, notably the Baha'is whose existence as a viable religious community in Iran was threatened, as well as the ill-treatment of certain Christians and restrictions on the freedoms of expression, thought, opinion and the press, and that, as noted by the Special Representative, there was continued discrimination against women.

The Commission expressed its grave concern at continued use of the death penalty, which the Special Representative had described as excessive; expressed its grave concern that there were continuing threats to the life of Salman Rushdie; regretted that the Government had still not permitted the Special Representative to visit the country; and decided to extend the mandate of the Special Representative for a further year.

The resolution was adopted by a roll-call vote of 22 in favour to 11 against, with 19 abstentions.

Concerning the situation of human rights in Iraq, the Commission expressed its strong condemnation of the massive violations of human rights, of the gravest nature, for which the Government of Iraq was responsible, in particular: summary and arbitrary executions, and orchestrated mass executions, including political killings, in southern Shia centres and in the southern marsh area; the widespread routine practice of systematic torture, enforced or involuntary disappearances; and suppression of freedom of thought and expression. It demanded that the Government of Iraq restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice, under the rule of law as prescribed by international standards.

Furthermore, the Commission called upon the Government of Iraq to release immediately all persons arbitrarily arrested and detained, including Kuwaitis and nationals of other States; demanded that the Government immediately cease its periodic shelling of agricultural lands belonging to Iraqi Kurds; expressed its special alarm at all internal embargoes which essentially

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permitted no exceptions for humanitarian needs and which prevented the equitable enjoyment of basic foodstuffs and medical supplies; decided to extend for a further year the mandate of the Special Rapporteur; and requested the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the sending of human rights monitors.

The resolution was adopted by a roll-call vote of 34 in favour to 1 against (Sudan), with 18 abstentions.

A motion by China not to take action the draft resolution concerning the human rights situation in China was approved by a roll-call vote of 20 in favour to 16 against, with 17 abstentions.

Under the draft resolution, the Commission would have expressed concern over continuing reports of violations of human rights and fundamental freedoms in China, including torture, and severe restrictions on the rights of freedom of expression, religion, assembly, association and to a fair trial; would have called upon that Government to take further measures to ensure the full observance of all human rights, including the rights of women; and would have invited it to continue to cooperate with all Special Rapporteurs and Working Groups.

By a resolution on the situation of human rights in Bosnia and Herzegovina, the Commission strongly condemned the policy of genocide and "ethnic cleansing", the indiscriminate shelling of civilian populations, particularly in Sarajevo, and in the other declared safe areas of Tuzla, Bihac, Gorazde, Srebrenica and Zepa, as well as Mostar and other endangered areas in central Bosnia and elsewhere. It strongly demanded that the authorities of the republics of Serbia and Montenegro cease their interference in and support to the self-proclaimed Serb entity in pursuing aggressive acts in Bosnia and Herzegovina.

The Commission also strongly urged the authorities of Croatia and Bosnia and Herzegovina to do their utmost in improving the relations between the Bosnian Croats and the Bosnian Muslims; categorically condemned all violations of human rights and international humanitarian law which occurred in Bosnia and Herzegovina; and demanded firm and resolute action by all concerned to put an end to all human rights violations and breaches of international law including "ethnic cleansing", commission of the crime of genocide and the commission of rape and sexual abuse against women and children.

OLEG MALGINOU (Russian Federation), speaking in explanation of vote before the vote, said that he would vote against the resolution because it did not reflect the recommendations and conclusions of the Special Rapporteur. Furthermore, the resolution did not suggest any means or ways to resolve the political deadlock. Instead, it could hamper the peace process undertaken to bring an end to the problem in Bosnia and Herzegovina.

The resolution was adopted by a roll-call vote of 41 in favour to 1 against (Russian Federation), with 10 abstentions.

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Concerning the situation of human rights in Kosovo, the Commission strongly condemned the discriminatory measures and practices, as well as the violations of human rights, committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) against ethnic Albanians in Kosovo; urgently demanded that the authorities of the Federal Republic cease all human rights violations, discriminatory measures and practices against ethnic Albanians in Kosovo, release all political prisoners, establish democratic institutions in Kosovo, and cooperate with the Conference on Security and Cooperation on Europe (CSCE) to enable the long-term mission to resume its activities immediately.

Under a resolution on the rape and abuse of women in the territory of former Yugoslavia, the Commission strongly condemned the rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, which constituted a war crime; expressed its outrage that the practice of rape was being used as a weapon of war and an instrument of ethnic cleansing, in particular against Muslim women and children in Bosnia and Herzegovina; demanded that those involved immediately cease those outrageous acts, which were in gross violation of international humanitarian law; urged all Member States of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to this despicable practice; and urged them to exert every effort to bring to justice all those individuals directly or indirectly involved in those outrageous international crimes.

In a resolution on the situation of human rights in Togo, the Commission hoped that a comprehensive improvement of the human rights situation in Togo would lead to a lasting reinforcement of democracy; called upon the authorities to promote national reconciliation; and further encouraged the Government of Togo to request, where appropriate, the assistance of the Centre for Human Rights through its programme of advisory services and technical assistance.

In a resolution on the situation of human rights in the Sudan, the Commission expressed its deep concern at the continuing and serious human rights violations in the Sudan; noted with displeasure the interference by the Government of the Sudan with the visit of the Special Rapporteur during September 1993; strongly urged all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict; and called upon the Government to extend its full and unreserved cooperation and to assist the Special Rapporteur.

AGNES LUKUDU (Sudan), speaking before the vote, said she objected to the resolution because the Government had proved that the report of the Special Rapporteur was non-objective and biased. The remarks did not threaten her in any way, but she was concerned that the sponsors shared the Rapporteur's negative views on Islam. Furthermore, the resolution was outdated. It was clear that the Government had cooperated with the Special Rapporteur in spite of the fact that he had ignored the invitation to visit certain areas according to his mandate.

The resolution was adopted by a roll-call vote of 35 in favour to 9 against, with 9 abstentions.

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NAJAT EL HAJJAJI (Libya) said she had voted against the draft resolutions on the human rights situations in Iran, Sudan and Cuba because the resolutions were politically motivated and designed to isolate the regimes of those countries, despite the fact that those regimes were chosen by the people. However, Libya's votes in that regard should not be interpreted as supporting human rights violations anywhere in the world.

In a resolution on the situation of human rights in Haiti, the Commission once again strongly condemned the overthrow of the constitutionally elected President Jean-Bertrand Aristide, the use of violence and military coercion, and the subsequent deterioration of the situation of human rights; expressed its conviction that the full implementation of the Governors Island Agreement by all parties was the only valid framework for resolving the crisis; and called upon the States Members of the United Nations and other international organizations to intensify their humanitarian assistance to the people of Haiti, support all the efforts made to solve the problems of displaced persons, and encourage the strengthening of the institutional coordination between the specialized agencies and between the United Nations and the Organization of American States (OAS). It decided to extend for one more year the mandate of the Special Rapporteur established by the Commission in 1992.

Under a resolution on human rights violations in the Papua New Guinea island of Bougainville, the Commission welcomed Papua New Guinea's statement to the forty-eighth session of the General Assembly that it was prepared to commence negotiations with representatives of various groups in Bougainville, but regretted that the Government had not advised of any subsequent progress towards such negotiations. It called for peace and negotiations between the Papua New Guinea Government and the various groups in Bougainville to be urgently pursued; called upon all parties to the conflict strictly to respect all human rights and fundamental freedoms; and urged the Government of Papua New Guinea promptly to invite the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on torture to investigate the reports of human rights violations in Bougainville.

Furthermore, the Commission requested the Secretary-General to consider the appropriateness of appointing a special representative whose mandate might include: establishing direct contact with the Government of Papua New Guinea and representatives of the people of the various groups in Bougainville to investigate the situation of human rights there; exploring ways to promote an end to armed conflicts; and receiving credible and reliable information from Governments, non-governmental organizations and any other body that might assist him in carrying out his mandate.

With regard to extrajudicial, summary or arbitrary executions, the Commission strongly condemned once again the large number of extrajudicial, summary or arbitrary executions which continued to take place throughout the world; appealed urgently to Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations to take effective action to combat and eliminate that phenomenon; and urged the Special Rapporteur to draw to the attention of the High Commissioner for Human Rights such situations of extrajudicial, summary and arbitrary executions

were of particularly serious concern to him or where early action might prevent further deterioration; and strongly urged all Governments to respond to communications transmitted to them by the Special Rapporteur.

Concerning the situation of human rights in southern Lebanon, the Commission condemned the continued Israeli violations of human rights in southern Lebanon; called upon Israel to put an end immediately to such practices, to implement the relevant resolutions of the Security Council; to release immediately all those Lebanese and other prisoners detained in the Israeli prisons and detention centres contrary to all Geneva Conventions and international law; and facilitate the humanitarian mission of the International Committee of the Red Cross (ICRC) and other humanitarian organizations; and decided to continue its consideration of the situation of human rights in southern Lebanon at its fifty-first session.

The resolution was adopted by a roll-call vote of 48 in favour to 1 against (United States), with 3 abstentions (Angola, Cameroon and Côte d'Ivoire).

In a resolution on the situation of human rights in Afghanistan, the Commission urged all the Afghan parties to undertake all possible efforts to achieve a comprehensive political solution; and to caary out a disarmament process; strongly urged all Afghan parties to ensure respect for the human rights and fundamental freedoms of women; urged the unconditional release of all prisoners detained without trial on the Afghan territory by rival groups, and called for the abolition of prisons run by political parties.

In addition, the Commission appealed to all Member States to provide adequate humanitarian assistance to Afghanistan to contribute to alleviating the suffering of refugees, especially the living conditions of women and children; strongly urged all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees (UNHCR), in order to avoid further deplorable incidents such as those which had caused loss of life among that personnel; and decided to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Afghanistan to the General Assembly at its forty-ninth session and to the Commission at its fifty-first session.

Under a resolution on the situation of human rights in Myanmar, the Commission deplored the continued seriousness of the situation of human rights in Myanmar and, in particular, the fact that a number of political leaders remained deprived of their liberty; again urged the Government of Myanmar to take all necessary measures to establish a democratic State in full accordance with the will of the people as expressed in the democratic elections held in 1990; and strongly urged the Government to release immediately and unconditionally the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, as well as other detained political leaders and all political prisoners.

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The Commission also encouraged the Government to continue to lift the emergency measures; requested it to ensure that all persons, without discrimination, were afforded the minimum guarantees for a fair trial, and to create the necessary conditions to facilitate the early repatriation of Myanmar refugees in neighbouring countries and their full reintegration, in conditions of safety and dignity; decided to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers; and requested him to report to the General Assembly at its forty-ninth session and to the Commission at its fifty-first session.

Concerning the situation of human rights in Burundi, the Commission strongly condemned the brutal and violent break in the democratic process initiated in Burundi and demanded an immediate end to acts of violence and welcomed the appointment by the Secretary-General of a special representative for Burundi and the current efforts to establish an interim fact-finding mission and to facilitate the efforts of the Government of Burundi and the Organization of African Unity (OAU). It requested the Chairman of the Commission on Human Rights to appoint an independent expert of the Commission with a mandate to prepare a report on the situation of human rights in Burundi on the basis of any information he deemed relevant; invited the authorities of Burundi to cooperate fully with him; and it decided to consider the situation of human rights in Burundi at its fifty-first session.

Under a resolution on the situation for human rights in Zaire, the Commission deplored the continuing serious violations of human rights and fundamental freedoms; noted with indignation that the army and the security services had used force against unarmed civilians; called for the cessation of intimidation measures against prominent political figures; condemned the practice of forced population displacements, particularly in northern Kivu and Shaba for which the authorities bore primary responsibility; condemned all discriminatory measures affecting persons belonging to minority groups; and invited the Chairman of the Commission to appoint a special rapporteur mandated to establish direct contacts with the authorities and the people of Zaire and to report to the Commission at its fifty-first session.

Under a resolution on the situation of human rights in Angola, the Commission strongly supported the process of democratization in Angola and further encouraged the Government to pursue full promotion and protection of human rights and fundamental freedoms in Angola; stressed the importance of a speedy conclusion of a negotiated settlement, called upon both parties, particularly the National Union for the Total Independence of Angola (UNITA), to honour the commitments already made by them at the talks at Lusaka, and urged them to stop immediately all military actions in order to prevent further violation of human rights.

With regard to the situation in Equatorial Guinea, the Commission expressed its serious concern at the report reflecting the persistence of violations of human rights, such as arbitrary arrests and detentions of political opponents, often accompanied by torture or cruel, inhuman or

degrading treatment; expressed further its concern at the fact that, as in the case of the 1980 Plan of Action, the Government had neither taken account of the new Plan of Action prepared by the Expert in 1992 nor satisfactorily implemented the seven points of the aide-mémoire submitted by the United Nations/United Nations Development Programme (UNDP) inter-agency mission in April 1993.

It deplored the situation and status of women in Equatorial Guinea, as revealed by the report of the Special Rapporteur; called upon the Government to take all necessary measures to promote the harmonious coexistence of all the ethnic groups making up the society of Equatorial Guinea; and also called upon the Government to implement procedures for the release of all persons detained or condemned for political reasons and to adopt, as soon as possible, legislative and administrative measures satisfying the requirements laid down in the International Bill of Human Rights and in other relevant international instruments.

In addition, the Commission encouraged it to continue the dialogue with all elements of the political opposition; also encouraged the Government to facilitate the return of exiles and refugees and to adopt measures permitting the full participation of all citizens in the country's political, social and cultural affairs; urged the Government to invite regional and international human rights bodies to make periodic visits to prisons and civil and military detention centres, without any exceptions; and decided to renew the mandate of the Special Rapporteur for one year.

The Commission decided to postpone debate under its agenda subitem on the human rights situation in Cyprus to its fifty-first session, it being understood that action required by previous resolutions on the subject would continue to remain operative.

As to the need to adopt effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography, the Commission expressed deep concern at the alarming increase in violations of the rights of the child worldwide, in particular, the growing number of incidents related to the sale of children and their organs, child prostitution and child pornography.

It urged all Governments to seek solutions, as well as ways and means, to enhance and ensure international cooperation to eradicate such aberrant practices; urged all States to adopt the necessary administrative and legislative measures more effectively to eradicate those practices; decided to set up an open-ended intersessional working group of the Commission responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur, guidelines for a possible draft Convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate those serious problems; and recommended a draft resolution to that effect to the Economic and Social Council for adoption.

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Under a resolution on the implementation of the Convention on the Rights of the Child, the Commission expressed its alarm at persistent reports that massive violations of the rights of the child continued worldwide; decided to establish an open-ended intersessional working group of the Commission to elaborate a draft Optional Protocol to the Convention on the Rights of the Child; expressed concern at the increasingly heavy workload of the Committee on the Rights of the Child and the resulting difficulties faced by it in the fulfilment of its functions; and requested the Secretary-General to continue to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee.

In a resolution on the Special Rapporteur on the sale of children, child prostitution and child pornography, the Commission endorsed the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography; encouraged the establishment of bodies and institutions, both governmental and non-governmental, acting on behalf of the child in the light of his or her best interests; and also encouraged Governments, national police and other law enforcement authorities to work closely with the International Criminal Police Organization (INTERPOL).

With regard to the plight of street children, the Commission expressed grave concern at the continued growth in the number of incidents worldwide and at reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution; urged Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and take urgent measures to prevent the killing, torture and violence against street children; and called on Special Rapporteurs, Special Representatives and Working Groups of the Commission on Human Rights and of the Subcommission on Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children.

In a resolution on the effects of armed conflicts on children's lives, the Commission expressed its deep concern and indignation at the serious consequences of armed conflicts for children; welcomed the General Assembly decision to appoint an expert to undertake a thorough study of that issue; and requested all States to render full support to prevent indiscriminate use of anti-personnel mines and for protection and assistance for the victims.

Under a resolution on the World Conference on Human Rights, the Commission reaffirmed the views of the World Conference on the urgency of eliminating denial and violations of human rights; called upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission, as well as the Subcommission, to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates; and decided to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/557
14 March 1994

DECLARATION ON RIGHT AND RESPONSIBILITY OF HUMAN RIGHTS DEFENDERS DISCUSSED IN HUMAN RIGHTS COMMISSION

GENEVA, 10 March (UN Information Service) -- The Commission on Human Rights this morning continued its discussion on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. In that regard, it adopted a resolution urging the working group concerned to make every effort to complete its task and to submit the draft to the fifty-first session of the Commission.

Human rights causes were more delicate when it came to the question of responsibility of individuals, groups and organs of society, the Chairman of the working group told Commission participants. He hoped that States would cooperate to incorporate the declaration into their national legal systems once it was achieved.

The declaration should strengthen and assist human rights defenders, ensure that States permitted everyone to defend human rights and facilitate peaceful advocacy to improve them, said the United States representative. Few contributed more to the advancement of human freedom and to the goals for which the Commission worked than those who risked their lives and liberty.

The Norwegian delegate expressed concern at the view of some members of the working group regarding a perceived right of the State to impose unreasonable restrictions on individuals and groups working towards the end set forth in the drafting of the declaration, and hoped that additional language focusing mainly on restrictions imposed on the individual would be reconsidered.

Chile called for national and international solidarity in financial, political and mora terms to those individuals and institutions working for the defence of human rights within a State. The draft declaration should guarantee the right of human rights defenders to investigate cases of violations committed by the State and bring them to the attention of an independent and impartial judiciary.

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The following member States took the floor: United States, Chile and Norway, speaking on behalf of the Nordic countries. The non-governmental organization International Association of Educators also made a statement. China exercised its right of reply.

Action on Resolution

In a resolution on the question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, the Commission urged the Working Group to make every effort to complete its task and submit the draft declaration to the Commission at its fifty-first session; decided to make available appropriate meeting time for the group prior to and during the fifty-first session of the Commission; and recommended a draft resolution to the Economic and Social Council for adoption, authorizing an open-ended working group of the Commission to meet for a period of two weeks prior to the fifty-first session of the Commission in order to continue work on the draft.

Statements

JAN HELGESEN, Chairman of the working group on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, said the human rights causes were very delicate matters when it came to the question of responsibility of individuals and groups engaged in promoting those rights. The members of the working group were anxious to see the realization of the draft declaration in due time. During the second reading at the ninth session, the Group had mainly dealt with the operative part of the draft declaration. It had also cautiously avoided repetition of provisions which already appeared in other documents. He hoped that States would continue to cooperate by integrating the Declaration into their national legal systems.

FELICE D. GAER (United States) said that few contributed more to the advancement of human freedom and the high goals for which the Commission worked than those who risked their lives and liberty, including Sakharov, Havel, Rigoberta Menchu, Aung San Suu Kyi and Wei Jingsheng. Thousands of other human rights defenders remained unheard of, because certain regimes had many ways to block their words, such as torture, detention, harassment and blackmail. The declaration should strengthen and assist human rights defenders, ensure that States allowed everyone, individually and in association with others, to defend human rights, enhance access to information relating to human rights situations, and facilitate peaceful advocacy to improve them. All concerned Governments and non-governmental organizations should take an active part in the concluding sessions of the Working Group, so that its work could be brought to a successful conclusion soon.

ROBERTO GARRENTON (Chile) said that defending human rights seemed dangerous for some States. However, in over 20 countries, human rights violations continued in the form of torture, disappearances, summary and

arbitrary executions, detention and other inhuman treatment. The declaration should guarantee the rights of those associations which defended human rights, the rights to express freely violations within the State. He also called for national and international solidarity in financial, political and moral terms. Associations and other independent institutions should have the right to carry out a thorough investigation of crimes committed by a State. The Declaration should also include mechanisms in which the results of the investigations were heard before an independent and impartial judiciary body.

HAAKON B. HJELDE (Norway), speaking on behalf of the Nordic countries, said it was deeply disturbing that many of the committed individuals and groups struggling to promote and protect human rights were exposed to harrassment, mistreatment and threats to their lives. The working group on the question of the draft declaration would address itself directly to the situation of individuals who separately or in association with others worked for the promotion and protection of human rights.

He regretted that some countries had questioned the text from the first reading on the right to receive funding. The possibility of freely sharing information and resources should be accepted as an intrinsic part of national and international cooperation. He was also concerned about the view of some members of the Working Group regarding a perceived right of the State to impose unreasonable restrictions on individuals and groups working towards the end set forth in the draft Declaration, and hoped that additional language, focusing mainly on restrictions imposed on the individual, would be reconsidered and withdrawn.

ANNE BORNET, of the International Association of Educators for World Peace, thought that it was logical to associate the notion of "rights" with that of "duties", as that would confirm the duality of human relations. Moreover, the right to development of every nation and every citizen was a "basic duty". She asked how one could struggle against non-respect for human rights in certain countries while at the same time the globalization of the economy and the massive transfers of capital had ruined those same countries and blocked their development. If the "duties" of the developed world vis-à-vis the developing world were evident, the developing countries also had duties towards the developing countries, in particular in the fields of security and of respect for the environment.

Right of Reply

PANG SEN (China) said that the United States delegate had mentioned a series of names under the headings human rights defenders and in particular, Wei Jingsheng. The United States did not have the right to judge who were human rights defenders. The United States called itself the most democratic country that best defended human rights. Who, he asked, were those in the United States defending human rights?

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/558
14 March 1994

HUMAN RIGHTS COMMISSION ADOPTS FINAL RESOLUTION
OF FIFTIETH SESSION

GENEVA, 10 March (UN Information Service) -- The Commission on Human Rights this afternoon acted on the last resolution to be taken up during its fiftieth session. The resolution deals with the effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States regarding human rights and related international standards.

Under the resolution, the Commission requests that, in the course of the forthcoming rationalization of its work, the report of the Secretary-General on this question should be considered. It requests that recommendations should be submitted with a view to improving the efficiency and coordination of the mechanisms referred to therein. The Commission also requests the submission of specific recommendations so that the mechanisms in question could better carry out their work on the basis of their mandates established by the Commission and take due account of the principles of objectivity, impartiality and non-selectivity in discharging those mandates.

The United States, Japan and Austria explained their vote on resolutions pertaining to the further promotion of human rights.

Explanations of Vote

PETER EICHER (United States) said he had voted against the resolution concerning the United Nations organization, because the Secretary-General possessed broad authority to regulate the personnel system of the United Nations in order to give effect to the principles in Article 101 (3) of the Charter. It was not within the Commission's jurisdiction to "micro-manage" the Secretary-General's exercise of that discretion in the way called for by the resolution.

SHUNJI MARUYAMA (Japan) said that he had voted against the resolution concerning the Organization because he believed that the United Nations Centre for Human Rights should be staffed by highly qualified and competent personnel. Not all developing countries were under-represented and the resolution did not reflect that reality. Also, the process of employment

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should be extended to the United Nations and not just the Centre for Human Rights.

CHRISTIAN STROHAL (Austria) said he had voted against a resolution on economic measures because unilateral economic measures could be dealt with in more suitable forums than the Commission.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

Round-up of Session

HR/CN/559
15 March 1994

COMMISSION ON HUMAN RIGHTS CONCLUDES FIFTIETH SESSION

Adopts 109 Resolutions and Decisions; Establishes Special Rapporteurs on Violence against Women, Independence of Judiciary, Zaire

GENEVA, 11 March (UN Information Service) -- The Commission on Human Rights concluded its fiftieth session tonight. The six-week gathering featured, along with debate and resolutions on reported human rights violations in specific countries, the first official condemnation of anti-Semitism by a United Nations agency, and much discussion and action reflecting changing geopolitical circumstances in South Africa and the Middle East.

A new post of Special Rapporteur was established to investigate violence against women, and the Commission voted (subject to approval by the Economic and Social Council) to set up a working group to develop a draft optional protocol to the International Convention on the Rights of the Child. The draft protocol would focus on the sale of children, child prostitution, and child pornography. The group also decided that a special rapporteur should be appointed to study violations in various countries of the independence and impartiality of the judiciary, and determined that a special rapporteur should be chosen to investigate reported human rights violations in Zaire.

All told, the Commission adopted 109 resolutions and decisions, most of them by consensus. Among them were measures on reported human rights violations in Palestine and other occupied Arab territories, South Africa, Albania, Guatemala, Georgia, Somalia, Cambodia, El Salvador, Cuba, the territory of the former Yugoslavia, Iran, Iraq, Bosnia and Herzegovina, Kosovo, Togo, Sudan, Haiti, Bougainville (Papua New Guinea), southern Lebanon, Afghanistan, Myanmar, Burundi, Zaire, Angola, and Equatorial Guinea.

The Commission also approved five official statements by its Chairman, Peter van Wulfften Palthe of the Netherlands. Three dealt with the status of specific countries: the Chairman welcomed further steps taken in Romania to establish democracy and improve human rights; acknowledged the programme of work and commitments outlined by Sri Lanka to promote human rights; and expressed the Commission's concern over continuing allegations of human rights violations in East Timor.

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For information media—not an official record

The fiftieth session -- the Commission's first since the World Conference on Human Rights held in Vienna last June -- was also characterized by growing concern over development issues and the effect of foreign debt burdens on the world's poorer countries. The Commission adopted a resolution urging the working group on the right to development to consider policies that would help create an international economic climate more responsive to the needs of developing countries, and calling for the working group to invite to future meetings the heads of international financial institutions. The measure passed on a roll-call vote, with the United States, the United Kingdom, and Japan dissenting.

The Commission also requested the Secretary-General to invite the international financial institutions to consider organizing an expert seminar on their role in the realization of economic, social, and cultural rights, and it approved a resolution stating that foreign debt payments should not take precedence over citizens' basic rights to food, shelter, clothing, employment, health services, and healthy environmental conditions.

The Commission's first official condemnation of anti-Semitism, and apparently the first by any United Nations body, was contained in a resolution requesting a special rapporteur to examine "incidents of contemporary forms of racism, racial discrimination, any form of discrimination against blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance". Informal negotiations over the wording of the resolution delayed for more than two weeks a final vote on the measure.

Consideration of the situation in the Middle East included addresses by two major figures in the ongoing negotiations over the occupied territories -- Yasser Arafat, Chairman of the Palestine Liberation Organization (PLO), and Shimon Peres, Minister for Foreign Affairs of Israel. Later, following the 25 February shooting of Palestinian worshippers by an Israeli settler in a mosque in Hebron, Mr. van Wulfften Palthe read out a Chairman's statement deploring the massacre, taking note of "the unequivocal condemnation by the Israeli Government of this act", and urging Israeli occupation authorities "to fulfil their responsibility to prevent such crimes and to punish the perpetrators".

The dismantling of apartheid and the scheduling of democratic elections in South Africa drew extended comment and was the focus of two resolutions, under one of which the Commission, "in view of the changing situation", replaced its long-standing agenda item on "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist régime in South Africa", with one entitled, "Monitoring and assisting the transition to democracy in South Africa".

In closed meetings Wednesday, 23 February, human rights situations were examined in nine countries: Armenia, Azerbaijan, Chad, Estonia, Germany, Kuwait, Rwanda, Somalia, and Viet Nam. The following day, the Chairman reported that the Commission had decided to discontinue further investigation into the cases of Estonia, Germany, Kuwait, Somalia, and Viet Nam.

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The Chairman also issued a statement noting that "a number of comments" had been made during debate which "reflected serious doubts on the integrity of one of the Special Rapporteurs". To cast any doubts on the integrity of such an official was to cast doubt on the Commission itself, he said.

Several national human rights situations were raised, but did not result in action from the Commission this year. Debate on the situation of Cyprus was postponed until the fifty-first session, with the understanding that measures required by previous resolutions on Cyprus would remain operative in the meanwhile. The Commission decided, by roll-call vote, to take no action on a draft resolution which would have sought information on human rights in China. And, while India and Pakistan disagreed often in debate, with numerous rights of reply over human rights in the disputed territories of Jammu and Kashmir, a draft resolution on the issue was withdrawn by the sponsor.

A number of Government officials -- especially foreign ministers -- and internationally recognized human rights figures gave addresses, among them, Pakistani Prime Minister Benazir Bhutto, Haitian President Jean-Bertrand Aristide, Macedonian Assembly President Stojan Andov, and 1992 Nobel Peace Laureate Rigoberta Menchu Tum.

Also, the Foreign Ministers of Greece, Finland, United Kingdom, El Salvador, Austria, Netherlands, Bulgaria, Iraq, Croatia, Tunisia, and the Sudan spoke, as did the Finance Minister of India, the Minister of Human Rights of France, the Vice Minister of Foreign Affairs of Angola, the Minister of Justice of Peru, the Secretary-General of the Organization of the Islamic Conference, the Chief Special Prosecutor of Ethiopia, the Vice Minister of Justice of Viet Nam, the Secretary-General of the Fourth World Conference on Women, the State Minister of Burundi, and the Minister of Information of Cambodia.

Other topics of extended debate at the session included: the rights of indigenous peoples; the rights of prisoners and detainees; the rights of national or ethnic, linguistic, religious, and other minorities; the right to freedom of opinion and expression; human rights abuses of women and children in times of armed conflict; enforced disappearances; terrorism; torture; national institutions for the promotion and protection of human rights; internally displaced persons; and street children.

In addition to the Commission's 53 member States, 81 observer States, 2 non-member States (Switzerland and the Holy See), three national liberation movements, 150 non-governmental organizations, 17 United Nations bodies and specialized agencies, one treaty body, and seven intergovernmental organizations participated in the session.

Closing Statements

The Chairman, PETER VAN WULFFEN ALTHE (Netherlands), said it was perhaps the hope of many that the consensus and results of Vienna and the changes in the world would spill over into the Commission and make their work here a bit easier. In some cases, they did adapt to new realities. He thought 1994 was

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the year when they would see momentous events in South Africa taking place. The Commission acknowledged that by changing its focus and concentrating on what was to come, instead of on what had been.

But on many other issues, he noted, agreement seemed even less easily reached than before Vienna. The Middle East remained a topic with a lot of controversy, the consensus on the right to development collapsed, and the debate on the resolution on racism was more protracted than necessary, but it did address as a result, for the first time in the history of the United Nations, the question of anti-Semitism. On many other issues, however, it seemed that old disagreements were more marked because of a sort of negotiating fatigue. That was understandable, after the strain of Vienna and what came with it, but it was also unfortunate because of the task ahead. As with South Africa, it was their duty to adapt to new realities.

IBRAHIMA FALL, Assistant Secretary-General for Human Rights, said there was no doubt that if their efforts had not been enough to eradicate, with a magic wand, the grave and massive human rights violations throughout the world, they had more modestly, but also more surely, contributed to the creation, maintenance and revival of the hope of many persons and groups which counted on the United Nations for the preservation of their basic freedoms and inalienable rights. Let that message be relayed by the actions of the special rapporteurs and representatives and other independent experts which the Commission decided to establish or to extend, as well as by the working groups set up to elaborate new provisions for better protection of human rights.

Resolutions and Decisions/Human Rights Violations

Concerning the situation of human rights in Cuba, the Commission called upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, including allowing him to visit; expressed particular concern that the Government had failed to carry out its commitment to cooperate with the Commission; and regretted profoundly the numerous unanswered reports of violations of basic human rights and fundamental freedoms that were described in the report of the Special Rapporteur, and expressed particular concern at prevailing intolerance for freedom of speech and assembly in Cuba. It called upon the Government to carry out the eight measures recommended in the report of the Special Rapporteur to bring the observance of human rights and fundamental freedoms in Cuba up to universally recognized standards; and extended the mandate of the Special Rapporteur for one year.

In a resolution on the situation of human rights in the territory of the former Yugoslavia: violations of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), the Commission condemned the continual refusal of the Bosnian Serb authorities to permit the Special Rapporteur to investigate in the territory under their control; the deliberate impeding of the delivery of supplies essential for the civilian population; and the attacks on, and harassment of, the United Nations Protection Force (UNPROFOR) and personnel working with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations. It expressed its outrage that rape, which it considered a war crime, continued to

be used as a weapon of war and "ethnic cleansing" against women and children; and urged all States and responsible authorities to cooperate with the efforts of the International Tribunal.

The Commission strongly condemned the practices of discrimination against, and the human rights violations of, the ethnic Albanians of Kosovo; expressed its grave concern at the Special Rapporteur's reports of violations of human rights in the Sandjak; demanded that the Federal Republic of Yugoslavia (Serbia and Montenegro) permit entry into Kosovo, the Sandjak and Vojvodina of United Nations observer missions and field officers of the Special Rapporteurs.

In addition, it expressed its continued concern that, despite the considerable decrease in violations of international humanitarian law in Croatia, there continued to be serious human rights violations and patterns of discriminatory treatment against minority groups, as well as arbitrary practices on the part of the Croatian authorities; noted with appreciation the observations of the Special Rapporteur regarding the further improvement of the human rights situation in Slovenia and decided that Slovenia should be excluded from the mandate of the Special Rapporteur; and decided to extend the mandate of the Special Rapporteur for one year.

Under a resolution on the situation of human rights in Iran, the Commission expressed its deep concern at continuing reports of violations of human rights, including the high number of executions, cases of torture and degrading punishment, the absence of guarantees of due process of law, and discriminatory treatment of certain groups of citizens because of their religious beliefs, notably the Baha'i. In addition, it was concerned about the restrictions on the freedoms of expression, thought, opinion and the press and about, as noted by the Special Representative, the continued discrimination against women. The Commission expressed its grave concern at continued use of the death penalty which the Special Representative had described as excessive; expressed its grave concern that there were continuing threats to the life of Salman Rushdie; regretted that the Government had still not permitted the Special Representative to visit the country; and decided to extend the mandate of the Special Representative for a further year.

Concerning the situation of human rights in Iraq, the Commission expressed its strong condemnation of the massive violations of human rights for which the Government of Iraq was responsible, including arbitrary detention and arrest, summary and arbitrary executions, and orchestrated mass executions, including political killings, in southern Shia centres and in the southern marsh area; the widespread routine practice of systematic torture, enforced or involuntary disappearances; and suppression of freedom of thought and expression. It demanded that the Government of Iraq restore the independence of the judiciary, abrogate all laws granting impunity to specified forces or persons committing human rights violations and cease its periodic shelling of agricultural lands belonging to Iraqi Kurds. It expressed special alarm at all internal embargoes which essentially permitted no exceptions for humanitarian needs and which prevented the equitable enjoyment of basic foodstuffs and medical supplies and also decided to extend for a further year the mandate of the Special Rapporteur.

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A motion proposed by China not to take action on a draft resolution concerning the human rights situation in China was adopted by a roll-call vote of 20 in favour to 16 against, with 17 abstentions. Under the resolution, the Commission would have expressed concern over continuing reports of violations of human rights and fundamental freedoms in China, including torture, and severe restrictions on the rights of freedom of expression, religion, assembly, association and to a fair trial; would have called upon that Government to take further measures to ensure the full observance of all human rights, including the rights of women; and would have invited it to continue to cooperate with all Special Rapporteurs and Working Groups.

On a resolution on the situation of human rights in Bosnia and Herzegovina, the Commission strongly condemned the policy of genocide and "ethnic cleansing", the indiscriminate shelling of civilian populations, particularly in Sarajevo, and in the other declared safe areas of Tuzla, Bihac, Gorazde, Srebrenica and Zepa, as well as Mostar and other endangered areas in central Bosnia and elsewhere. It strongly demanded that the authorities of the republics of Serbia and Montenegro cease their interference in and support to the self-proclaimed Serb entity in pursuing aggressive acts in Bosnia and Herzegovina; categorically condemned all violations of human rights and international humanitarian law which occurred in Bosnia and Herzegovina; and demanded firm and resolute action by all concerned to put an end to all human rights violations and breaches of international law, including "ethnic cleansing", the crime of genocide, and rape and sexual abuse against women and children.

Concerning the situation of human rights in Kosovo, the Commission strongly condemned the discriminatory measures and practices, as well as the violations of human rights, committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) against ethnic Albanians in Kosovo; urgently demanded that the authorities of the Federal Republic cease all human rights violations, discriminatory measures and practices against ethnic Albanians in Kosovo, release all political prisoners, establish democratic institutions in Kosovo, and cooperate with the Conference on Security and Cooperation in Europe (CSCE) to enable the long-term mission to resume its activities immediately.

Under a resolution on the rape and abuse of women in the territory of the former Yugoslavia, the Commission strongly condemned the rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, which constituted a war crime; expressed its outrage that the practice of rape was being used as a weapon of war and an instrument of ethnic cleansing, in particular, against Muslim women and children in Bosnia and Herzegovina; demanded that those involved immediately cease those outrageous acts, which were in gross violation of international humanitarian law; and urged all Member States of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to that despicable practice and urged them to exert every effort to bring to justice all those individuals directly or indirectly involved in those outrageous international crimes.

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In a resolution on the situation of human rights in Togo, the Commission hoped that a comprehensive improvement of the human rights situation in Togo would lead to a lasting reinforcement of democracy; called upon the authorities to promote national reconciliation and further encouraged the Government of Togo to request, where appropriate, the assistance of the Centre for Human Rights through its programme of advisory services and technical assistance.

As to the situation of human rights in the Sudan, the Commission expressed its deep concern at the continuing and serious human rights violations in the Sudan; noted with displeasure the interference by the Government of the Sudan with the visit of the Special Rapporteur during September 1993; strongly urged all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict; and called upon the Government to extend its full and unreserved cooperation and to assist the Special Rapporteur.

Under a resolution on the situation of human rights in Haiti, the Commission once again strongly condemned the overthrow of the constitutionally elected President Jean-Bertrand Aristide, the use of violence and military coercion, and the subsequent deterioration of the situation of human rights; expressed its conviction that the full implementation of the Governors Island Agreement by all parties was the only valid framework for resolving the crisis; and called upon the States Members of the United Nations and other international organizations to intensify their humanitarian assistance to the people of Haiti, support all the efforts made to solve the problems of displaced persons, and encourage the strengthening of the institutional coordination between the specialized agencies and between the United Nations and the Organization of American States (OAS). It decided to extend for one more year the mandate of the Special Rapporteur established by the Commission in 1992.

Under a resolution on human rights violations in the Papua New Guinea island of Bougainville, the Commission welcomed Papua New Guinea's statement to the forty-eighth session of the General Assembly that it was prepared to commence negotiations with representatives of various groups in Bougainville, but regretted that the Government had not advised of any subsequent progress towards such negotiations. It called for peace and negotiations between the Papua New Guinea Government and the various groups of Bougainville; called upon all parties to the conflict strictly to respect all human rights and fundamental freedoms; and urged the Government of Papua New Guinea promptly to invite the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on torture to investigate the reports of human rights violations in Bougainville. Furthermore, the Commission requested the Secretary-General to consider the appropriateness of appointing a special representative to establish direct contact with the Government and various groups in Bougainville, investigate the situation of human rights; and explore ways to promote an end to armed conflicts.

With regard to extrajudicial, summary or arbitrary executions, the Commission strongly condemned once again the large number of extrajudicial,

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summary or arbitrary executions which continued to take place throughout the world; appealed urgently to Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations to take effective action to combat and eliminate that phenomenon; urged the Special Rapporteur to draw to the attention of the High Commissioner for Human Rights such situations of extrajudicial, summary and arbitrary executions were of particularly serious concern to him or where early action might prevent further deterioration; and strongly urged all Governments to respond to communications transmitted to them by the Special Rapporteur.

Concerning the situation of human rights in southern Lebanon, the Commission condemned the continued Israeli violations of human rights in southern Lebanon; called upon Israel to put an end immediately to such practices and to implement the relevant resolutions of the Security Council; to release immediately all those Lebanese and other prisoners detained in the Israeli prisons and detention centres contrary to all Geneva Conventions and international law; facilitate the humanitarian mission of the International Committee of the Red Cross (ICRC) and other humanitarian organizations; and continue its consideration of the situation of human rights in southern Lebanon at its fifty-first session.

As to the situation of human rights in Afghanistan, the Commission urged all the Afghan parties to undertake all possible efforts to achieve a comprehensive political solution and carry out a disarmament process; strongly urged all Afghan parties to ensure respect for the human rights of women; urged the unconditional release of all prisoners detained without trial on the Afghan territory by rival groups, and called for the abolition of prisons run by political parties.

The Commission also appealed to all Member States to provide adequate humanitarian assistance to Afghanistan to alleviate the suffering of refugees; strongly urged all the parties to the conflict to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the UNHCR; and decided to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Afghanistan to the General Assembly at its forty-ninth session and to the Commission at its fifty-first session.

Under a resolution on the situation of human rights in Myanmar, the Commission deplored the human rights situation in Myanmar and, in particular, that a number of political leaders remained deprived of their liberty; again urged the Government to establish a democratic State in full accordance with the will of the people as expressed in the 1990 democratic elections; and strongly urged the Government to release immediately and unconditionally the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, as well as other detained political leaders and all political prisoners.

The Commission also encouraged the Government to continue to lift the emergency measures; to ensure that all persons were afforded the minimum guarantees for a fair trial; and to create the necessary conditions to

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facilitate the early repatriation and reintegration of Myanmar refugees in neighbouring countries. The Commission decided to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar; and requested him to report to the General Assembly at its forty-ninth session and to the Commission at its fifty-first session.

Concerning the situation of human rights in Burundi, the Commission strongly condemned the brutal and violent break in the democratic process initiated in Burundi, demanded an immediate end to acts of violence and welcomed the appointment by the Secretary-General of a special representative for Burundi and the current efforts to establish an interim fact-finding mission and to facilitate the efforts of the Government of Burundi and the Organization of African Unity (OAU).

In a resolution on the situation for human rights in Zaire, the Commission deplored the continuing serious violations of human rights and fundamental freedoms; noted with indignation that the army and the security services had used force against unarmed civilians; called for the cessation of intimidation measures against prominent political figures; condemned the practice of forced population displacements, particularly in northern Kivu and Shaba for which the authorities bore primary responsibility; condemned all discriminatory measures affecting persons belonging to minority groups; and invited the Chairman of the Commission to appoint a special rapporteur mandated to establish direct contacts with the authorities and the people of Zaire and to report to the Commission at its fifty-first session.

Under a resolution on the situation of human rights in Angola, the Commission strongly supported the process of democratization in Angola and further encouraged the Government to pursue full promotion and protection of human rights and fundamental freedoms; stressed the importance of a speedy conclusion of a negotiated settlement; called upon both parties to honour the commitments already made by them at the talks at Lusaka; and urged them to stop immediately all military actions in order to prevent further violation of human rights.

With regard to the situation in Equatorial Guinea, the Commission expressed its serious concern at the report reflecting the persistence of violations of human rights, such as arbitrary arrests and detentions of political opponents, often accompanied by torture or cruel, inhuman or degrading treatment; expressed its concern at the fact that the Government had neither taken account of the new Plan of Action prepared by the Expert in 1992 nor satisfactorily implemented the seven points of the aide-mémoire submitted by the United Nations/United Nations Development Programme (UNDP) inter-agency mission in April 1993.

The Commission deplored the situation and status of women in Equatorial Guinea, called upon the Government to promote the harmonious coexistence of all ethnic groups, implement procedures for the release of all political prisoners and adopt legislative and administrative measures satisfying the requirements of relevant international instruments. The Commission also

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encouraged it to continue the dialogue with all elements of the political opposition, facilitate the return of exiles and refugees and adopt measures permitting the full participation of all citizens in the country's political, social and cultural affairs. The Commission decided to renew the mandate of the Special Rapporteur for one year.

The Commission decided to postpone debate under its agenda subitem on the human rights situation in Cyprus to its fifty-first session, although action required by previous resolutions on the subject would continue to remain operative.

Situation in Occupied Arab Territories

Regarding the Israeli settlements in the occupied Arab territories, the Commission reaffirmed that the installation of Israeli civilians in the occupied territories was illegal and constituted a violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; regretted that the Government of Israel had not fully complied with the provisions of Commission on Human Rights resolutions 1990/1, 1991/3, 1992/3 and 1993/3; and urged the Government of Israel to abstain from installing any settlers in the occupied territories.

Under a resolution on human rights in the occupied Syrian Golan, the Commission strongly condemned Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council; emphasized that the displaced persons of the population of the occupied Syrian Golan should be allowed to return to their homes and to recover their properties. It strongly condemned Israel for its attempt to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and for its practices of annexation, establishment of settlements, confiscation of lands and diversion of water resources and imposing a boycott on their agricultural products.

Concerning the question of the violation of human rights in the occupied Arab territories, including Palestine, the Commission condemned the continued violations of the human rights of the Palestinian people in the Palestinian territories occupied by Israel with military force, including Jerusalem; the imposition of restrictive economic measures; the demolition and expropriation of houses; collective punishment; arbitrary and administrative detention of thousands of Palestinians without trial; the confiscation of property of Palestinians; the expropriation of land; the prevention of travel; the closure of universities and schools; the perpetration of crimes of torture in Israeli prisons and detention centres; and the establishment of Israeli settlements in the occupied territories.

The Commission called once more upon Israel to withdraw from Palestine and the other occupied Arab territories; strongly condemned once more the refusal of Israel to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War to Palestine and the Arab territories occupied since 1967 and to their inhabitants, Israel's policies of perpetrating crimes of torture against Palestinian detainees and prisoners in Israeli prisons and

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detention camps; and called upon Israel to allow those who had been deported since 1967 to return to their homeland without delay.

Situation in Southern Africa

By a resolution on monitoring and assisting the transition to democracy in South Africa, the Commission stressed the importance of the removal of all obstacles to the transition to democratic rule in South Africa. It also stressed the need for the Government of South Africa to create an environment conducive to the realization by the individual of his/her economic, social and cultural rights; and requested the Special Rapporteur to undertake two missions to South Africa in 1994 to gain further insights into the whole process of transition to democracy and to report to the Commission at its fifty-first session. It also decided, in view of the changing situation in South Africa, to replace the agenda item entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime in South Africa" with an item entitled "Monitoring and assisting the transition to democracy in Africa".

Concerning the situation of human rights in South Africa, the Commission called upon the South African authorities to maintain law and order, prosecute the perpetrators of violence and to protect all citizens, irrespective of their political affiliation. It also called upon all parties to refrain from further acts of violence and implement the agreement to grant a general unconditional amnesty to all those sentenced for politically motivated anti-apartheid activities. Furthermore, the Commission urged the authorities to expedite the legal and administrative measures to abolish speedily and unconditionally all the remaining "homelands" and the "bantustan system" and reincorporate them in South Africa.

It also urged them to ensure that no parties were permitted to disrupt the democratic process leading to the elections in April, to ensure that sufficient electoral booths were installed throughout the territory, and to repeal the remaining discriminatory apartheid laws. The resolution also requested the Centre for Human Rights to place at the disposal of the new Government its experience in advisory services to assist in the preparation of a programme of technical cooperation to promote human rights and overcome the legacy of apartheid.

Advisory Services and Technical Assistance

With regard to the situation of human rights in Albania, the Commission called upon the Government of Albania to pursue its positive steps towards meeting the requirements under the International Bill of Human Rights and other relevant international instruments, by which the human rights and fundamental freedoms of all Albanian citizens, including the rights of persons belonging to minorities, would be effectively promoted and guaranteed; and encouraged technical cooperation between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Albania, on the other.

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In a resolution on assistance to Guatemala in the field of human rights, the Commission urged the President to continue to consolidate democratic institutions and to promote human rights; regretted that in spite of Government's efforts, serious violations of human rights continued to occur, particularly crimes against the lives of individuals; and urged both parties to respect the applicable rules of international humanitarian law in the internal armed conflict. In addition, the Commission exhorted the Government to adopt legal and political measures to guarantee the independence of the judiciary, to bring to justice all those responsible for violations of human rights, and to provide compensation for the victims of such violations. The Commission expressed its conviction that the pre-eminence of civilian authority in the national decision-making process was an indispensable condition for the consolidation of the rule of law and the full realization of human rights.

With regard to assistance to Georgia in the field of human rights, the Commission expressed its serious concern at the grave violations of human rights in Georgia, including Abkhazia, such as: extrajudicial executions, torture and ill-treatment, including rape, and inhuman or degrading treatment of prisoners; and strongly condemned such reprehensible acts committed by troops or armed groups. It urged the Government of Georgia and the authorities in Abkhazia to investigate all allegations of human rights violations, with a view to identifying and prosecuting those responsible; appealed to those in control of Abkhazia to ensure law and order, guarantee human rights and ensure the right of displaced persons to return to Abkhazia and recover their property; and encouraged a speedy agreement on the country programme discussed between the Centre for Human Rights and the Government and the provision of technical assistance to that Government.

Under a resolution on assistance to Somalia in the field of human rights, the Commission urged all parties to the conflict in Somalia to work towards the full implementation of the Addis Ababa Agreement of 27 March 1993; urged all Somalis to work together towards peace and security and called upon all parties to respect international humanitarian law and criminal justice standards and to protect civilians, United Nations personnel and humanitarian relief workers from injury and death. The Commission urged the human rights unit of the United Nations operation to continue to pay particular attention to the provision of assistance with regard to strengthening the police, judicial and prison systems in Somalia; and requested the Secretary-General to extend for 12 months the mandate of the Independent Expert to assist the Special Representative of the Secretary-General for Somalia through the development of a long-term programme of advisory services for re-establishing human rights and the rule of law, and to widen the Independent Expert's mandate to allow him to receive and seek information about and report on the violations of human rights.

Concerning the situation of human rights in Cambodia, the Commission requested the Secretary-General to assure the protection of the human rights of all people in Cambodia and to ensure sufficient resources, from within existing overall United Nations resources, for the full implementation of the mandate of the Centre for Human Rights and that of the Special Representative.

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it requested the Centre for Human Rights, with the consent and cooperation of the Government, to provide advice with respect to the creation of an independent national institution for the protection of human rights, such as an ombudsman or a human rights commission; expressed grave concern at the indiscriminate use of anti-personnel land mines and their devastating consequences and destabilizing effects; and requested the Secretary-General to renew the mandate of the Special Representative.

Under a resolution on El Salvador, the Commission recognized the improvements in the human rights situation, but was concerned about the observance of the right to life and the capacity of the judicial system to punish human rights violators. It urged the Government and the Frente Farabundo Marti para la Liberación Nacional (FMLN) to intensify efforts to complete the land transfer programme, the programme for the reintegration of former combatants into society, the deployment of the new National Civil Police, the collection of weapons in the private hands of the armed forces and the adoption of the Act on Private Security Services. The Commission commended the Government on the establishment of the Inter-institutional Investigating Group to investigate human rights violations and punish those responsible, and of the Joint Group for the Investigation of Illegal Armed Groups; urged all sectors of Salvadorian society to cooperate with that investigation; and decided to extend the mandate of the Independent Expert for one year to provide advisory services and report on human rights developments.

As to advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Commission underlined that any assistance through technical cooperation in human rights under the Voluntary Fund had to be well prepared, and that there should be a regular and sustained follow-up between the involved national bodies and the Centre for Human Rights. Furthermore, it urged the Board of Trustees to review the existing project guidelines with a view to improving orientation for Governments requesting advisory services, and establishing clear criteria for selecting and defining priorities for projects.

Right to Self-Determination

Under a resolution on the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation, the Commission called upon Israel to comply with its obligations under the Charter and the principles of international law and to withdraw from the Palestinian and other Arab territories which it had occupied since 1967 by military force, including Jerusalem, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right to self-determination. It requested the Secretary-General to transmit the present resolution to the Government of Israel and to all other Governments; and decided to include that item in the provisional agenda for its fifty-first session, and to consider the situation in occupied Palestine under that item, as a matter of high priority.

With regard to the question of Western Sahara, the Commission endorsed the contents of the letter dated 4 August 1993 (S/26239) from the President of

the Security Council addressed to the Secretary-General, in which the members of the Security Council, among other things, fully supported the Secretary-General's efforts to make early progress on the preparations for holding the referendum. The Commission decided to follow the development of the situation in Western Sahara and to consider the question at its fifty-first session, as a matter of high priority.

Concerning the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, the Commission urged all States to prevent mercenaries from using any part of their territories to destabilize or to threaten the territorial integrity of any sovereign State; and requested the Special Rapporteur to report to the Commission at its fifty-first session on all further developments on the use of mercenaries, wherever that may occur. It also requested the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate.

In a resolution on the Middle East peace process, the Commission stressed the importance of, and need for, achieving a comprehensive, just and lasting peace in the Middle East; emphasized that the achievement of such a peace was vital for the full implementation of human rights in the area; and expressed its full support for the process, thus far, and considered that an active United nations role in the Middle East peace process and in assisting in the implementation of the Declaration of Principles could make a positive contribution.

Action to Combat Racism

In a resolution on implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, the Commission urged all Governments to take all necessary measures to combat new forms of racism, in particular, by ongoing adjustment of the methods used to combat them, and requested the Secretary-General to ensure that the necessary financial resources were provided for the implementation of the activities of the Third Decade during the biennium 1994-1995. It also decided to establish a focal point within the Centre for Human Rights to be responsible for reviewing information concerning activities carried out within the framework of the Third Decade and decided to consider at its fifty-first session, as a matter of high priority, the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

Under a resolution on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Commission welcomed the Special Rapporteur's proposal concerning the organization of an interdisciplinary seminar on the problems of the theoretical aspects and specific manifestations of those phenomena. It regretted that the Special Rapporteur had encountered difficulties in preparing his first report, owing to the lack of necessary resources, and requested him to examine according to his mandate incidents of contemporary forms of racism, racial discrimination, any form of discrimination against blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance, as well as governmental measures to overcome them.

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Human Rights of Detainees

Regarding assistance in the field of the administration of justice and human rights, the Commission urged Governments to pay more attention to the needs of the institutions concerned with the administration of justice by allocating more human and material resources to them to enable them to contribute more efficiently to the promotion and protection of human rights, and invited the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and protection of human rights in African and other developing countries. It urged the Secretary-General to consider favourably applications for assistance made by African States and other developing countries regarding the creation and strengthening of national institutions concerned with the administration of justice within the framework of the United Nations programme of advisory services and technical assistance in human rights.

In a resolution on human rights and forensic science, the Commission requested the Secretary-General again to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts, and other interested institutions with a view to identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes; and to seek their advice as to the elaboration of principles, guidance, procedures, mechanisms and training. It requested the Secretary-General to continue efforts to establish a list of forensic experts and experts in related fields who could be requested to help international mechanisms in human rights, Governments and the Centre for Human Rights in providing technical and advisory services.

As to the question of arbitrary detention, the Commission called upon Governments concerned to pay due heed to the working group on arbitrary detention's decisions; encouraged Governments to implement the recommendations of the working group concerning persons who had been detained for a number of years and were mentioned in its report; encouraged Governments to consider inviting the working group to their countries; expressed concern at the fact that most cases of arbitrary deprivation of liberty were motivated by exercise of the rights to freedom of opinion and expression. It decided to extend for a three-year period the mandate of the Working Group.

In a resolution on the right to freedom of opinion and expression, the Commission expressed its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercised the right to freedom of opinion and expression. It appealed to all States to ensure respect and support for the rights of all persons who exercised the right to freedom of opinion and expression; and invited the working group on enforced or involuntary disappearances, the working group on arbitrary detention and the Special Rapporteurs of the Commission to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treatment or discriminated against for having exercised the right to freedom of opinion and expression.

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Concerning human rights in the administration of justice, the Commission urged the Secretary-General to consider favourably requests for assistance by States in the administration of justice, within the framework of the United Nations programme of advisory services and technical assistance; strongly recommended that the establishment of a comprehensive programme within the system of advisory services and technical assistance be considered in order to help States in the task of building and strengthening adequate national structures which had a direct impact on the overall observance of human rights and the maintenance of the rule of law; and invited the Commission on Crime Prevention and Criminal Justice to pay particular attention to questions relating to the administration of justice.

Under a resolution on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, the Commission expressed the hope that priority attention would be given to that question; and recommended that the Subcommission on Prevention of Discrimination and Protection of Minorities take measures to examine the proposed basic principles and guidelines with a view to making proposals thereon and to report to the Commission.

With regard to the right to a fair trial, the Commission endorsed the request of the Subcommission to the Special Rapporteurs to continue their study; and recommended a draft decision on the matter to the Economic and Social Council for adoption.

In a resolution on the United Nations Voluntary Fund for Victims of Torture, the Commission expressed its gratitude and appreciation to those Governments, organizations and individuals that had already contributed to the Fund; and appealed to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis.

Concerning torture and other cruel, inhuman or degrading treatment or punishment, the Commission stressed recommendations for serious action by Governments, including the importance of instituting a system of periodic visits by independent experts to places of detention as a highly effective preventive measure against the occurrence of torture; and recommended that interrogation of detainees should take place only at official interrogation centres, that each interrogation should be duly recorded and start with the identification of all the persons present and that the blindfolding or holding of detainees during interrogations should be absolutely forbidden.

Concerning the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Commission urged States parties that had not yet paid their assessed contributions, and in particular those whose arrears pertained to two or more consecutive financial periods, to fulfil their obligations forthwith; urged all States to become parties to the Convention as a matter of priority; and invited all States ratifying or acceding to the Convention and those States parties that had not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider possibility of withdrawing their reservations to article 20.

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Under a resolution on the question of enforced disappearances, the Commission reminded the working group on the question of the need to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of Government replies; deplored the fact that, as the working group pointed out in its report, some Governments had not acted on the recommendations concerning them made in the reports of the working group; urged the Governments concerned to cooperate with and assist the working group; encouraged the Governments to give serious consideration to inviting the Working Group to visit their countries; and reminded them of the need to ensure that their competent authorities conducted prompt and impartial inquiries whenever there was reason to believe that an enforced disappearance had occurred in a territory under their jurisdiction.

Regarding the question of a draft Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Commission requested the open-ended working group to meet between sessions for a period of two weeks prior to the fifty-first session of the Commission in order to pursue its work and to submit a new report to the Commission; and recommended a draft resolution on the matter to the Economic and Social Council for adoption.

As to the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, the Commission requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur whose mandate would consist of the following tasks: (a) to inquire into any substantial allegations transmitted to him or her and report his or her conclusions thereon; (b) to identify and record not only attacks on the independence of the judiciary, lawyers and court officials, but also progress achieved in protecting and enhancing their independence, and make concrete recommendations, including the provision of advisory services or technical assistance when they were requested by the State concerned; (c) to study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers.

In a resolution on staff members of the United Nations and of the specialized agencies in detention, the Commission appealed once again to Member States to respect and to ensure respect for the rights of staff members; requested the Secretary-General to seek redress and compensation for damage caused to them; and urged Member States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex), to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay.

Under the question of human rights and states of emergency, the Commission recommended a draft decision to the Economic and Social Council for adoption whereby Leandro Despouy, Special Rapporteur on human rights and states of emergency, would continue to update the list of states of emergency and to include in his annual report to the Subcommission and the Commission

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recommendations on inalienable or non-derogable rights; and that the Secretary-General provide him with all the assistance he might require to carry out his work, to maintain cooperation with the different sources of information and databases, and to process the information submitted to him in an effective way.

Concerning the question of the impunity of perpetrators of violations of human rights, the Commission endorsed the Subcommission's request to El Hadji Guissé and Louis Joinet to submit a report, including conclusions and recommendations, on the first aspect of the question of impunity, with respect to civil and political rights, to the Subcommission at its forty-sixth session and to continue their study on the second aspect of the question, concerning economic, social and cultural rights; and recommended a draft resolution on the matter to the Economic and Social Council for adoption.

On the subject of the independence and the impartiality of the judiciary, the Commission agreed with the recommendation of the Subcommission to create a control mechanism charged with the follow-up of the question of the independence and impartiality of the judiciary, as well as the nature of the problems likely to affect that independence. It also recommended that it be in the form of a special rapporteur.

Right to Development

As to the right to property, the Commission welcomed the final report of the independent expert regarding the means whereby the right of everyone to own property alone, as well as in association with others, contributed to the exercise of fundamental freedoms; commended the efforts made by the independent expert to include in his report information on the failure in many parts of the world to protect the equal rights of women to own property; recommended that all relevant United Nations bodies take into consideration his recommendations; and concluded its consideration of the matter.

Also with regard to the right to development, the Commission urged the working group to make recommendations on the implementation of that right, taking into account policies at the national and international levels, particularly towards the creation of a favourable international economic climate more responsive to the needs of the developing countries. It also decided that the Executive Secretaries of the regional economic commissions and the heads of the international financial institutions should be invited to participate actively in the future sessions of the working group.

Economic, Social and Cultural Rights

Under a resolution on the question of the realization in all countries of economic, social and cultural rights, the Commission recommended that, as a follow-up to the seminar on indicators, the Centre for Human Rights convene expert seminars for chairpersons of the human rights treaty-monitoring bodies and representatives of specialized agencies and non-governmental organizations, as well as representatives of States, focused on specific economic, social and cultural rights, with a view to clarifying the particular content of those

rights, as well as the nature of States parties obligations. The resolution requested the Secretary-General to invite the international financial institutions to continue considering the possibility of organizing an expert seminar on the role of those institutions in the realization of economic, social and cultural rights.

As to the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development, the Commission stressed the importance of alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights. It also stressed the need to implement additional debt-reduction measures, including further cancellation or reduction of part of the official debt or debt-service, and the adoption of more urgent actions with regard to the commercial debt owed by developing countries. The resolution affirmed that the debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment.

Concerning human rights and extreme poverty, the Commission approved the Special Rapporteur's recommendations relating to the organization of a seminar on extreme poverty and denial of human rights, which will be held around 17 October 1994, and urged States, United Nations bodies and other intergovernmental and non-governmental organizations to give due attention, in celebrating the International Day for the Elimination of Poverty, to the relationship between extreme poverty and human rights and to the situation of the poorest, who must be the focus of events.

The Commission decided to extend the mandate of the Special Rapporteur on promoting the realization of the right to adequate housing by one year and invited him to submit a second progress report to the Subcommission at its forty-sixth session.

Regarding the question of trade union rights, the Commission appealed to States to ensure that conditions should be such that all persons under their jurisdiction could exercise their right to organize and to form and join trade unions for the protection of their interests; called upon States to involve representative trade union organizations in effective processes of popular participation and development; urged States to work for the delivery of a healthy and safe workplace; and encouraged Member States to remove as far as possible all forms of discrimination in the workplace, with a view to eliminating discrimination against women through adoption of the principle of equal pay for work of equal value.

On the matter of human rights dimensions of population transfer, including the implantation of settlers and settlements, the Commission requested the Secretary-General to organize a multidisciplinary expert seminar prior to the preparation of the Special Rapporteur's final report, and requested the Special Rapporteur to undertake on-site visits to diverse, ongoing cases of population transfer.

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Rights of the Child

As to the need to adopt effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography, the Commission expressed deep concern at the growing number of incidents related to the sale of children and their organs, child prostitution and child pornography. It urged all Governments to seek solutions; urged all States to adopt the necessary administrative and legislative measures more effectively to eradicate those practices; decided to set up an open-ended intersessional working group of the Commission responsible for elaborating guidelines for a possible draft convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate those serious problems; and recommended a draft resolution to that effect to the Economic and Social Council for adoption.

Under a resolution on the implementation of the Convention on the Rights of the Child, the Commission expressed its alarm at persistent reports that massive violations of the rights of the child continued worldwide; decided to establish an open-ended intersessional working group of the Commission to elaborate a draft Optional Protocol to the Convention on the Rights of the Child; expressed concern at the increasingly heavy workload of the Committee on the Rights of the Child and the resulting difficulties faced by it in the fulfilment of its functions; and requested the Secretary-General to continue to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee.

In a resolution on the Special Rapporteur on the sale of children, child prostitution and child pornography, the Commission endorsed the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography; encouraged the establishment of bodies and institutions, both governmental and non-governmental, acting on behalf of the child in the light of his or her best interests; and also encouraged Governments, national police and other law enforcement authorities to work closely with the International Criminal Police Organization (INTERPOL).

With regard to the plight of street children, the Commission expressed grave concern at the continued growth in the number of incidents worldwide and at reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution; urged Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and take urgent measures to prevent the killing, torture and violence against street children; and called on Special Rapporteurs, Special Representatives and Working Groups of the Commission on Human Rights and of the Subcommission, within their mandates, to pay particular attention to the plight of street children.

As to the effects of armed conflicts on children's lives, the Commission expressed its deep concern and indignation at the serious consequences of armed conflicts for children; welcomed the General Assembly decision to

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appoint an expert to undertake a thorough study of that issue; and requested all States to render full support to prevent indiscriminate use of anti-personnel mines and for protection and assistance for the victims.

Draft Declaration on Right and Responsibility to Promote Human Rights

In a resolution on the question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, the Commission urged the working group to make every effort to complete its task and submit the draft declaration to the Commission at its fifty-first session; decided to make available appropriate meeting time for the group prior to and during the fifty-first session of the Commission, and recommended a draft resolution to the Economic and Social Council for adoption, authorizing an open-ended working group of the Commission to meet for a period of two weeks prior to the fifty-first session of the Commission in order to continue work on the draft.

Further Human Rights Promotion

In a resolution on integrating the rights of women into the human rights mechanisms of the United Nations, the Commission condemned all violations of the human rights of women, including acts of gender-based violence against them; called for, in accordance with the Declaration on the Elimination of Violence against Women, the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State; condemned all violations of the human rights of women in situations of armed conflict, recognized them to be violations of international human rights and humanitarian law, and called for a particularly effective response to violations of that kind, including, in particular, murder, systematic rape, sexual slavery and forced pregnancy. It decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and its consequences, who would report to the Commission on an annual basis beginning at its fifty-first session.

With regard to human rights and terrorism, the Commission reiterated the unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States. It called upon States to take all necessary and effective measures to prevent, combat and eliminate terrorism, and urged the international community to enhance cooperation in the fight against terrorism at the national, regional and international levels.

In a resolution on human rights and unilateral coercive measures, the Commission called upon the international community to reject the use by certain countries of unilateral economic measures against developing countries with the purpose of exerting, directly or indirectly, coercion on the sovereign decisions of the countries subjected to those measures; and requested all States to refrain from adopting any unilateral coercive measure not in accordance with international law and the Charter that created obstacles to

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trade relations among States and impeded the right of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services. The resolution condemned the fact that certain countries, using their predominant position in the world economy, continued to intensify the adoption of unilateral coercive measures against developing countries.

Under a resolution on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region, the Commission endorsed the decision of the Government of the Republic of Korea to host an Asia-Pacific regional meeting in 1994 at Seoul on the region's consultative mechanism; and encouraged all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights, taking into account the various approaches and mechanisms identified in the Chairman's concluding remarks at the second Asia-Pacific Workshop held at Jakarta.

With regard to the protection of human rights in the context of human immuno-deficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), the Commission called upon all States to ensure that their laws, policies and practices, including those introduced in the context of HIV/AIDS, respected human rights standards and called upon all States to take all the necessary steps, including appropriate and speedy redress procedures, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people with HIV/AIDS.

It urged all States to review their legislation and practice to ensure the right to privacy and integrity of persons with HIV/AIDS and those presumed to be at risk of infection; expressed its grave concern about the risk which the continuing exploitation of children and child prostitution posed for the transmission of HIV, and called upon the Special Rapporteur on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child and the Working Group on Contemporary Forms of Slavery to pay sustained attention to that question.

As to strengthening of the rule of law, the Commission endorsed the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations, to be coordinated by the Centre for Human Rights, to help States in the task of building and strengthening adequate national structures which had a direct impact on the overall observance of human rights and the maintenance of the rule of law.

In a resolution on the proclamation of a decade for human rights education, the Commission urged States to develop programmes and books for the teaching of human rights in primary and secondary education; and encouraged the human rights monitoring bodies to intensify their efforts in relation to the implementation by States parties of their possible treaty-based obligations regarding education and aspects of education linked to human rights.

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In a resolution on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights, the Commission requested the Centre for Human Rights to finalize its comprehensive review of the programme of information and publications in human rights, including the elaboration of a new information strategy; urged the Secretary-General to utilize more fully and effectively United Nations Information Centres for the purpose of timely dissemination of basic information and reference materials on human rights and fundamental freedoms; requested the Department of Public Information (DPI) to make full use of its available resources to produce audio-visual materials on human rights issues; and stressed that the Centre for Human Rights should have full responsibility for all United Nations publications in human rights.

Concerning human rights and thematic procedures, the Commission encouraged Governments to respond expeditiously to requests for information made to them through the procedures, so that the thematic Special Rapporteurs concerned, the working group on enforced or involuntary disappearances and the working group on arbitrary detention could carry out their mandates effectively. It requested the thematic Special Rapporteurs and working groups to include in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations directed against women.

Under a resolution on national institutions for the promotion and protection of human rights, the Commission encouraged all Member States to take appropriate steps to promote the exchange, including by national institutions, of information and experience concerning the establishment and operation of such national institutions; encouraged Member States to establish or, where they already existed, to strengthen national institutions for the promotion and protection of human rights; requested the Secretary-General to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions; and requested the convening of a third international workshop of national institutions during 1995 in either Latin America or Asia.

With regard to strengthening the Centre for Human Rights, the Commission requested the Secretary-General to enhance further the role and importance of the Centre for Human Rights; requested him to ensure that sufficient resources from within the regular budget of the United Nations were accorded, as a matter of urgency, to the Centre for Human Rights to enable it to undertake all its functions, in full and on time; and requested, in particular, the Secretary-General and the General Assembly to ensure appropriate additional staff and resources to enable the Centre to carry out its mandates under the Vienna Declaration and Programme of Action.

In a resolution on composition of the staff of the Centre for Human Rights, the Commission reaffirmed that Article 101, paragraph 3, of the Charter should guide the Secretary-General in his policy for the recruitment of the staff of the Organization, in particular, taking into account the criteria of equitable geographical distribution; and requested the Secretary-General to adopt the necessary measures to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing

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countries, to ensure equitable geographical distribution, and, in that regard, to give priority, in particular, to recruitment to high-level and Professional posts and also to the recruitment of women.

As to human rights and mass exoduses, the Commission strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities; and called upon Special Rapporteurs, Special Representatives and Working Groups studying situations of violation of human rights to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home. It urged the Secretary-General to strengthen early-warning activities aimed at identifying human rights abuses which contributed to mass outflows of persons.

Under a resolution on civil defence forces, the Commission recommended that whenever armed civil defence forces were created to protect the civilian population, Governments establish, where appropriate, minimum legal requirements for them, within the framework of domestic law, including the following: recruitment into them should be voluntary and should be effectively controlled by public authorities; civil defence forces and their commanders should be clearly accountable for their activities; and offences involving human rights violations by such forces shall be subject to the jurisdiction of the civilian courts.

Concerning internally displaced persons, the Commission called upon all Governments to continue to facilitate the activities of the Representative of the Secretary-General, and encouraged them to give serious consideration to inviting him to visit their countries, so as to enable him to study and analyse more fully the issues involved; and urged concerned United Nations agencies to provide to the Representative all necessary information, and called upon him to propose ways and means of setting up a more coherent system of data collection on issues related to the situation and protection of internally displaced persons.

Under a resolution on cooperation with representatives of United Nations human rights bodies, the Commission urged Governments to refrain from all acts of intimidation or reprisal against (a) those who sought to cooperate or had cooperated with representatives of United Nations human rights bodies, or who had provided testimony or information to them; (b) those who availed or had availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who had provided legal assistance to them for that purpose; (c) those who submitted or had submitted communications under procedures established by human rights instruments; and (d) those who were relatives of victims of human rights violations.

Status of International Human Rights Covenants

Under a resolution on the status of the International Covenants on Human Rights, the Commission stressed to States parties the importance of avoiding

the erosion of human rights by derogation; underlined the necessity for strict observance of the agreed conditions and procedure for derogation; and urged States parties to fulfil in good time their reporting obligations under the International Covenants and in their reports to make use of gender-disaggregated data. It also requested the Secretary-General to provide the Human Rights Committee with additional means to deal effectively and in a timely manner with the increasing workload under the First Optional Protocol, as well as one additional week of meetings during 1994, as an extended session.

By a resolution on the succession of States in respect of international human rights treaties, the Commission requested the human rights treaty bodies to consider further the continuing applicability of the respective international human rights treaties to successor States, with the aim of assisting them in meeting their obligations; and requested the Secretary-General to encourage successor States to confirm their obligations under the international human rights treaties to which their predecessors were a party, as from the date of their independence.

As regards the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Commission called upon all Member States to sign and ratify or accede to the Convention as a matter of priority, and expressed the hope that it would enter into force at an early date. It also invited organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention.

Rights of Minorities

Under a resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities, the Commission urged States to take all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It called upon States which so wished to consider concluding bilateral and multilateral arrangements or agreements in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as appropriate.

Elimination of Religious Intolerance

Under a resolution on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the Commission noted with concern the continuing instances of hatred, intolerance and acts of violence, based upon intolerance of religion and belief and upon religious extremism, and condemned all such acts, including those motivated by religious extremism in all its forms, as well as practices of discrimination against women; urged States to take all appropriate measures to stop such abuses; and urged States to ensure that their constitutional and legal systems provided adequate guarantees of freedom of thought, conscience, religion and belief. It encouraged the Special Rapporteur to consider whether

the programme of advisory services in the field of human rights might be of assistance in certain situations; and called upon all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages.

Report of Subcommission

Concerning human rights and the environment, the Commission reiterated that the right to development should be fulfilled so as equitably to meet developmental and environmental needs of present and future generations; and recognized that environmental damage had potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living. It endorsed the request of the Subcommission on Prevention of Discrimination and Protection of Minorities to prepare a final report on "Human rights and the environment" with conclusions and recommendations.

Under a resolution on the work of the Subcommission on Discrimination and Protection of Minorities, the Commission requested the Subcommission to pay attention to the guidelines concerning the number of studies and establish priorities relating to its work so as to avoid requesting the Commission's approval of more studies and similar activities than provided for in the guidelines; and further requested the Subcommission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, the specialized agencies and other such bodies for their views and comments on requests relating to those studies that had received prior explicit approval from the Commission.

With regard to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, the Commission expressed its grave concern at the present financial situation of the Fund due to a lack of contributions; and appealed again to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis.

In a resolution on the report of the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission expressed its grave concern at manifestations of contemporary forms of slavery; invited the Subcommission to submit to the Commission at its fifty-first session recommendation(s) for establishing an effective mechanism for the implementation of the Conventions on slavery; and invited the Subcommission to consider strengthening its involvement in the activities of the existing working group on contemporary forms of slavery as an alternative to establishing a new mechanism for the implementation of the Conventions on slavery.

Under a resolution on the International Decade of the World's Indigenous Peoples, the Commission invited the working group on indigenous populations to propose at its next session an appropriate date for one day of every year to be observed as the International Day of Indigenous Peoples; requested the Assistant Secretary-General for Human Rights as the Coordinator of the Decade to coordinate its international programme of activities; and encouraged

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Governments to establish national committees or other mechanisms involving indigenous people to ensure that objectives and activities for the Decade were planned and implemented on the basis of full partnership with indigenous peoples.

Concerning human rights and disability, the Commission called upon the Secretary-General to maintain the integrity of programmes within the United Nations system relating to disabled persons; urged States to cooperate fully with the Special Rapporteur appointed within the framework of the Commission for Social Development, to monitor the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities; and urged non-governmental organizations active in the protection of persons with disabilities to provide relevant information to the Committee on Economic, Social and Cultural Rights and the Centre for Human Rights.

In a resolution on a permanent forum in the United Nations for indigenous peoples, the Commission requested the Assistant Secretary-General for Human Rights to invite Governments and indigenous organizations to express their views pertaining to the possibility of establishing a permanent forum for indigenous people; and requested the working group on indigenous populations, at its twelfth session, to give priority consideration to the possible establishment of that forum.

With regard to the report of the working group on indigenous populations of the Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission urged the Subcommission to complete its consideration of the draft Declaration on the rights of indigenous people, reflective, among other things, of the value and diversity of cultures and the forms of social organization of indigenous people and submit to the Commission at its fifty-first session the draft Declaration together with any recommendations thereon.

In a resolution on enhancing the work of the Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission decided to request the Subcommission to reconsider, without prejudice to the independence of the Subcommission and its members, its decisions to recommend the new studies and related efforts identified in draft decisions 1, 2, 4, 8 and 13 contained in the report of the Subcommission. The Commission also decided that it was unnecessary or premature to make any determination on those studies and related efforts and requested the Subcommission to avoid overloading its agenda with materials that were not adequately discussed and to establish priorities in its work.

As to traditional practices affecting the health of women and children, the Commission endorsed the recommendation of the Subcommission that the mandate of the Special Rapporteur be extended for one year so as to enable her to submit to the Subcommission at its forty-sixth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar to take place in Asia.

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In a resolution on cultural and intellectual property of indigenous peoples, the Commission endorsed the request to the Special Rapporteur to expand her study on the protection of the cultural and intellectual property of indigenous people with a view to elaborating draft principles and guidelines for the protection of the heritage of the indigenous peoples and to submit a preliminary report to the Subcommission at its forty-sixth session. It decided that the title of the study should be "Protection of the heritage of the indigenous people"; and recommended a draft decision on that action to the Economic and Social Council for adoption.

Under a resolution on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, the Commission authorized the Subcommission to reiterate its request to the Special Rapporteur to submit a second progress report on the study to the working group at its twelfth session and to the Subcommission at its forty-sixth session.

Effective Functioning of Human Rights Bodies

Concerning the effective functioning of bodies established pursuant to United Nations human rights instruments, the Commission called upon all States parties to fulfil without delay their outstanding financial obligations, under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency of the treaty bodies; and also requested him to give priority to expediting the implementation of the recommendations of the Task Force on Computerization by requesting United Nations Member States to make generous voluntary contributions to cover the initial one-time cost of the proposed system.

Rights of Migrant Workers

As regards the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Commission called upon all Member States to sign and ratify or accede to the Convention as a matter of priority; and requested the Secretary-General to provide all facilities and assistance for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights.

Work of Commission

Under a resolution on the effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States regarding human rights and related international standards, the Commission requested that, in the course of the forthcoming rationalization of its work, the report of the Secretary-General on the question should be considered. It requested that recommendations should be submitted with a view to improving the efficiency and coordination of the mechanisms referred to therein.

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With regard to the organization of work of the session, the Commission decided to convene an informal, open-ended working group, open to all participants, under the chairmanship of the Chairman of its fiftieth session for a maximum period of 10 working days to discuss, in the following order: (a) the reclustering of the agenda of the Commission, with a view to proposing a provisional agenda for the fifty-first session; (b) organizational matters related to the above, including the organization of work and documentation; and (c) a preliminary inventory of other reforms.

The Commission also decided to authorize the holding of 40 additional meetings during its fifty-first session.

Follow-Up to the World Conference on Human Rights

Under a resolution on the World Conference on Human Rights, the Commission reaffirmed the views of the World Conference on the urgency of eliminating denial and violations of human rights and decided to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action.

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